

MEMORANDUM

Agenda Item No. 5(FF)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution calling special election in Miami-Dade County, Florida on November 2, 2021, for the purpose of submitting to electors residing within the proposed new municipality in the Biscayne Gardens area of unincorporated Miami-Dade County the question of whether the Board of County Commissioners should be authorized to create a new municipality, subject to approval of a municipal charter by the electors of the proposed municipality, with the following general outermost boundaries: NW 167 Street to the north, NE 18 Avenue to the east, NW 128 Street to the south, and State Road 9/NW 17 Avenue to the west; and designating Water and Sewer pump stations, Golden Glades Multi-Modal Facility, and Golden Glades Trash and Recycling Center as facilities of Countywide Significance

Resolution No. R-805-21

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


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: September 1, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
County Mayor 

Subject: Incorporation of Biscayne Gardens Municipal Advisory Committee Area

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the resolution calling for an incorporation election in the unincorporated area commonly known as Biscayne Gardens, as described therein, subject to the conditions outlined in this memorandum. Chapter 20 of the Code of Miami-Dade County (Code) requires the new municipality, among other things, to: remain in the Miami-Dade Fire Rescue District in perpetuity; remain in the Miami-Dade Library System in perpetuity; remain in the County’s solid waste collection system in perpetuity; contract for local patrol with the Miami-Dade Police Department (MDPD) for a minimum of three years; agree that the County 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 Comprehensive Development Master Plan (CDMP) applications or zoning applications within this area; agree to adopt the County’s Workforce Housing Development Program set forth in chapter 33, article X11A of the Code; agree that the County retain jurisdiction over the NW 7th Avenue Community Redevelopment Agency, which runs along NW 7th Avenue from NW 135th Street to NW 165th Street within the incorporation boundaries; and be responsible for its pro-rata share of outstanding debt service associated with the stormwater utility bonds and the Quality Neighborhood Improvement Program bonds.

In addition to the Code requirements previously mentioned, it is recommended that the new municipality be required to: agree to enter into an interlocal agreement with the County to cover maintenance of stormwater draining systems; agree that the County will retain jurisdiction over the Golden Glades Multi-Modal Facility and the Golden Glades Trash and Recycling Center located at 140 N.W. 160th Street, both of which would be designated as Facilities of Countywide Significance as part of this resolution, as well as retain jurisdiction over all Facilities of Countywide Significance designated pursuant to section 20-8.6(c) of the Code that are located in the proposed incorporation area; and agree that the County retain control over the Water & Sewer (WASD) pump stations referenced herein, which would be designated as Facilities of Countywide Significance as part of this resolution.

Should the Board adopt this resolution calling for an election in the area on the question of incorporation, and the results of the election are 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 will 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 will be created in the area commonly known as Biscayne Gardens.

Scope

The Biscayne Gardens area, as studied by the Biscayne Gardens Municipal Advisory Committee (BGMAC), is generally bounded on the north by the city of North Miami Beach (NW 167th Street); on the South by the city of North Miami (NW 128th Street); on the east by the city of North Miami (NE 18th Avenue); and on the west by the cities of Miami Gardens and Opa-Locka and State Road 9/NW 17th Avenue, as depicted on the map attached as Exhibit A to the resolution.

There are 34,836 residents within the area, of which 18,892 are electors. The area lies within County Commission District 2, which is represented by Commissioner Jean Monestime.

Delegation of Authority

This item would authorize the County Mayor or County Mayor's designee to carry out the actions approved by this resolution, including the special election.

Fiscal Impact/Funding Source

County staff conducted a financial analysis to determine the impact of this incorporation on the remainder of the Unincorporated Municipal Service Area (UMSA) budget. The updated Impact to UMSA analysis, which estimates revenues and expenses for a particular area, is attached as Attachment 3. The Impact to UMSA does 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 analysis, the proposed incorporation area generates approximately \$9.8 million in UMSA revenue, and the County spends approximately \$12.7 million providing services to the area. The incorporation of the Biscayne Gardens MAC will have a positive impact on the remaining unincorporated area of approximately \$2.9 million. Should the area incorporate, resources will be redistributed through the budget process.

The resolution calls for a special election in the BGMAC area. The Elections Department has estimated the costs of the special election for the BGMAC area to be \$94,000. These costs will be paid out of the countywide general fund. Should the Board approve the resolution, and the election results be positive, and a new municipality be formed, the newly formed municipality shall be required to reimburse the County for the cost of the election.

Departmental Impacts

As annexations and incorporations continue to occur, at some point in time it will no longer be financially feasible for UMSA to exist. Services provided to the remaining UMSA may cost more, as there may be no economies of scale of which to take advantage. It is difficult to say with certainty when UMSA will reach this point; it depends upon what areas incorporate, the timing of those incorporations, annexation of areas and what is left to fund the services for the remaining UMSA. As less revenue is available to fund services, the remaining UMSA area will pay more for these services and/or departments will be required to reduce service levels and/or personnel. MDPD provides a majority of its services to UMSA and received \$398.097 million for MDPD services from the UMSA general fund in FY 2020-21. Should municipalities transition to their own departments, the MDPD will need to adjust personnel as there is less service area and less revenue. Other departmental functions that provide a majority of the services in UMSA are public works, building, zoning, code enforcement and parks.

Section 20-26 (d) of the Code generally requires that the fiscal impact to UMSA of an incorporation area be revenue neutral. Pursuant to section 20-26(d), a “revenue neutral municipality” is defined as an area that previously, as part of the unincorporated municipal service area, generated revenues equal to or less than the cost of services provided to the area by the County. This incorporation would be considered revenue neutral.

Track Record/Monitor

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

Background

Currently there are 2,823,303 residents in Miami-Dade County. There are 34 municipalities in the County with 1,609,375 residents. The remaining 1,213,928 residents reside in UMSA. The proposed new municipality in Biscayne Gardens MAC contains 34,836 residents, of which 18,892 are resident electors.

The BGMAC was originally created by Resolution No. R-974-03, adopted by the Board on September 9, 2003, then created by Ordinance No. 04-142. On November 1, 2005, the Board adopted Ordinance No. 05-192, suspending

consideration of all annexation and incorporation proposals. On April 3, 2012, the Board adopted Ordinance No. 12-24 allowing incorporation proposals to move forward. The BGMAC was extended under Ordinance No. 15-33, adopted on May 5, 2015, to allow the BGMAC to complete their study. The BGMAC was charged with evaluating the feasibility and desirability of creating a new municipality in their unincorporated Miami-Dade County area. The proposed municipal boundaries only include unincorporated areas within County Commission District 2.

The following is a timeline for the Biscayne Gardens MAC:

- December 7, 2004, October 15, 2014, and March 29, 2016: The BGMAC held public hearings where input from the community was considered;
- April 12, 2016, the BGMAC adopted a resolution (Exhibit B to the resolution) to forward the incorporation proposal to the Board, requesting the incorporation effort move forward to allow area residents to vote on the creation of a new municipality;
- September 4, 2019, the Board referred the BGMAC Report (Exhibit C to the resolution) to the PAB to conduct a public hearing and provide the Board with a recommendation after reviewing the staff report, and
- September 30, 2020, the Planning Advisory Board (PAB) held a public hearing in the community and recommended the Board approve the BGMAC incorporation effort (Exhibit D to the resolution).

The BGMAC met to complete assessing the fiscal feasibility and desirability of incorporating the area into its own municipality. The BGMAC prepared and adopted a pro-forma budget as part of its process (Attachment 1), which includes the revenue and expenditure estimates for the proposed municipality. The County hired an independent consultant to review the BGMAC pro-forma budget, which concluded that the area is financially viable as a municipality if the ad valorem rate of the new municipality is set at 4.0 mills as contemplated in the BGMAC adopted budget (Attachment 2).

The following local parks in the area will be conveyed to the new municipality with conditions on their use and development consistent with Article 7 of the County’s Charter: Oak Grove Park, Biscayne Gardens Park, and Jeb Estates Park. It is important to note that subsequent to the BGMAC September 23, 2014 report, the County’s Park, Recreation and Open Spaces Department developed the Father Gerard Jean Juste Community Center at the Oak Grove Park. The one-story 20,000 square foot Center includes an aquatic pool, a splash pad, restrooms, locker rooms, and showers. Building this center significantly increased the park operating cost over \$1 million annually, and operating costs for this park were not included in the BGMAC pro-forma budget. This community center would be conveyed to the new municipality along with the park, upon incorporation.

The BGMAC Report, which contains the BGMAC Conceptual Agreement, addresses these issues, with the exception of the park operating costs explained above, and recommends the terms under which the area may proceed with incorporation, if approved by this Board. This information is outlined in the Conceptual Agreement adopted by BGMAC (Exhibit C to the resolution).

As noted in the BGMAC staff report, the County will retain jurisdiction over all WASD pump stations in the area. The County will require the new municipality to contract with the County for drainage system maintenance activities within the area. The area will remain part of the County’s stormwater utility until such time as the municipality creates its own utility and opts out of the County’s stormwater utility. The County will also retain control over the NW 7th Avenue Corridor Community Redevelopment Agency which runs along NW 7th Avenue from NW 135th Street to NW 165th Street, which is located entirely within the Biscayne Gardens boundaries.

As previously noted above, the County should retain regulatory control over the following facilities or areas within the proposed incorporation boundaries and include them as Facilities or Areas of Countywide Significance, as they are assets of regional importance: the Golden Glades Multi-Modal Facility; the Golden Glades Trash & Recycling

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and Members, Board of County Commissioners
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Center located at 19 NW 160th Street; and WASD pump station No. 496 located at 15 NE 166th Street and WASD pump station No. 497 located at 405 NE 166th Street.

As noted, there are various Code requirements that are applicable to new municipalities, all of which shall apply this incorporation.

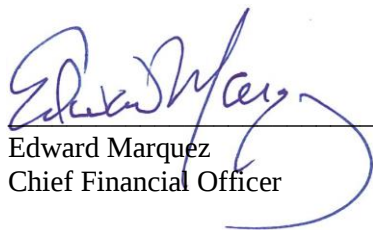
Section 20-26(b) of the Code requires the new municipality to contract with MDPD and pay for specialized police services. Municipalities in existence prior to the incorporation of Miami Lakes paid for specialized police services through their countywide taxes. The municipalities established since Miami 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 in their municipal charters to receive and pay for specialized police services. 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.

The County will retain 13.2 centerline roadway miles and transfer 71.2 centerline roadway miles to the proposed municipality.

Please note that the BGMAC Conceptual Agreement (Exhibit C to the resolution) stated that 66.8 centerline roadway miles would be transferred and that the County would retain 17.7 centerline miles, but the updated roadway miles to be transferred and retained are 71.2 and 13.2 roadway miles, respectively. In the event of any conflicts between the BGMAC Report or Conceptual Agreement and this memorandum or resolution, this memorandum and resolution shall control and shall dictate the required terms and conditions of incorporation.

Pursuant to section 20-23 of the Code, County staff has prepared a report, which was previously provided to the Planning Advisory Board (PAB), addressing the guidelines in the Code that pertain to this proposed incorporation. (See Attachment 4)

Attachment 1 – BGMAC Pro-Forma Budget
Attachment 2 – Consultant’s Report on BGMAC Pro-Forma Budget
Attachment 3 – Updated Impact to UMSA
Attachment 4 – Staff Report on the Biscayne Gardens Incorporation



Edward Marquez
Chief Financial Officer

*Biscayne Gardens MAC Area Revenues and Expenditures Analysis
Final Report & Pro Forma – September 23, 2014*

*Proposed Biscayne Gardens Incorporated Area
MAC Report On:*

***Final Report & Pro Forma On Revenues and Expenditures
And
Municipal Structure & Costs Analysis***

September 23, 2014

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

Final Report & Pro Forma – September 23, 2014

Executive Summary

The following "Final Report" represents the projected revenues & expenditures and municipal structure and costs for the proposed Biscayne Gardens Incorporated Area. This Final Report is based on (1) a prior report dated July 26, 2004 originally prepared for the Cutler Ridge MAC relative to the proposed Cutler Ridge Incorporated Area; (2) the Biscayne Gardens Preliminary Pro Forma On Revenues & Expenditures And Municipal Structure & Cost Analysis dated May 22, 2008 (for F/Y 2009); (3) OMB at MAC Meeting of September 24, 2013 and after providing updating revenue estimates for F/Y 2014 for the Biscayne Gardens MAC Area plus certain 2013 estimated revenue sharing figures from the FL-Dept. of Revenue; and (4) Projected budget figures and revenue projections and forecasts relative to the same revenue and expenditures categories for Fiscal 2014 as set forth in the February 25, 2014 Draft Pro Forma adjusted for results of a Third-Party Review presented to the MAC August 26, 2014. The aforementioned Item (1) was used as a preliminary and prospective guide for the proposed Biscayne Gardens Incorporated Area because the proposed Cutler Ridge Incorporated Area appeared to be similar in some key aspects to the proposed Biscayne Gardens Incorporated Area, particularly in population size, land area and residential character of the community. This is intended only as a guide to pro forma and estimate possible revenues and expenses. Where believed appropriated pro forma figures have been adjusted for prospective differences that are expected to occur in expenses, particularly relative to the difference in level of existing development. The proposed Biscayne Gardens Incorporated Area is known to be near 98% built out, whereas the proposed Cutler Ridge Incorporated Area has substantial open area under development on its south and southwest side. This **Final Report** is intended to serve several purposes. As a **policy document**, this report serves to inform the reader about the **organization**, how the **departments** may be **organized** and the **services** the new Town could provide. As a **financial plan**, the data details the costs associated with providing **municipal services** and how the **services** could be **funded**. Specific expenditures may not be incurred during the first two years of the municipal incorporation.

This Final Report presents a consolidated picture of the total revenue and expenditures for the General Fund, Stormwater Utility Fund, and Transportation Fund. The operation of each fund is accounted for through a set of self-balancing accounts that comprise each fund's revenues and expenditures and as such are revenue neutral to the other aspects of operating as a municipality.

The Final Report is a result of a detailed review of the Cutler Ridge Incorporated Area Report, which contained comparable municipal government annual budgets in the State of Florida, 2002 Local Government Financial Handbook, Florida League of Cities Salaries Handbook, and Miami Dade County documents and is believed to be comparable to the proposed Biscayne Gardens Incorporated Area. This "final analysis" was prepared by members of the Biscayne Gardens MAC based in part on information provided by Miami-Dade County OSBM staff, the 2013 Local Government Financial Information Handbook and a Third-Party Reviewer (Consultant to OMB).

The report identifies a **total of \$11,759,700 in revenues**. **Expenditures**, including transfers out, are **projected to be \$11,190,400**. These projections **suggest a budget surplus of \$569,300** at the end of the proposed municipality's fiscal year. These figures include provision for first year start up and working capital (surplus): based on an **Ad Valorem Property Tax rate of 4.0 mills**.

Revenues	County Draft Analysis based on 2003 - 04 Budget or Cutler Ridge Est.	Proposed (F/Y)	
		Biscayne Gardens Incorporated Area Analysis (2006)	(2014)
Total of Change Over 3-years From F/Y2007 **			
Ad Valorem (Property) Taxes (o) (2013 @ 4.0mills; 2006 @ 2.47mills)	\$1,831,000	\$2,212,000	\$2,799,000
Franchise Fees (o)	755,000	807,000	832,300
Utility Taxes (o)	1,491,000	1,591,000	1,674,400

*Biscayne Gardens MAC Area Revenues and Expenditures Analysis
Final Report & Pro Forma – September 23, 2014*

Revenues Total of Change Over 3-years From F/Y2007 **	County Draft Analysis based on 2003 - 04 Budget or Cutler Ridge Est.	Proposed (F/Y) Biscayne Gardens Incorporated Area Analysis	
		(2006)	(2014)
Communications Services Tax (o)	1,200,000	1,281,000	1,304,000
Occupational License Taxes (o)	106,000	117,000	58,000
Building Permit Fees (a) (o)	187,000	205,000	136,000
Other Licenses, Fees and Permits (a)	<u>195,000</u>	<u>215,000</u>	<u>144,000</u>
Sub-total Direct Revenue Source	<u>\$5,765,000</u>	<u>\$6,428,000</u>	<u>\$6,947,700</u>
Intergovernmental Revenues			
Alcoholic Beverage Licenses(a)	\$ 7,000	\$ 8,000	\$ 8,000
State Revenue Sharing (a)* (r)	794,000	873,000	1,139,000
Local Gov. ½ cent Sales Tax (r)	<u>1,626,000</u>	<u>1,793,000</u>	<u>2,256,000</u>
Sub-total Intergovernmental Rev.	<u>\$2,427,000</u>	<u>\$2,674,000</u>	<u>\$3,403,000</u>
Charges for Services			
Photocopy Fees, etc. (a)	\$ 5,000	\$ 6,000	\$ 6,000
Sub-total Charges for Services	<u>\$ 5,000</u>	<u>\$ 6,000</u>	<u>\$ 6,000</u>
Fines and Forfeitures			
Violations-Local Ordinance (a)	\$ 171,000	\$ 188,000	\$ 188,000
Sub-total Fines and Forfeitures	<u>\$ 171,000</u>	<u>\$ 188,000</u>	<u>\$ 188,000</u>
Other Revenues			
Interest Earnings (o)	\$ 38,000	\$ 42,000	\$ 5,000
Misc. Revenues (o)	<u>27,000</u>	<u>30,000</u>	<u>50,000</u>
Sub-total Other Revenues	<u>\$ 65,000</u>	<u>\$ 72,000</u>	<u>\$ 55,000</u>
Stormwater Utility Fees (a) (= CR)	<u>\$ 688,000</u>	<u>\$ 688,000</u>	<u>\$ 688,000</u>
Local Option Gas Taxes			
Local Option Gas Tax (6%) (a)*	\$ 409,000 *	\$ 450,000	*\$ 342,000
New Loc Op Gas Tax (3%) (a)*	<u>160,000</u> *	<u>176,000</u>	* <u>130,000</u>
Sub-total Local Option Gas Taxes*	<u>\$ 569,000</u>	<u>\$ 626,000</u>	<u>\$ 472,000</u>
Total All Funds Revenues	\$9,690,000	\$10,682,000	\$11,759,700

Expenditures (Note: Used Cutler Ridge MAC budget) (for 2006 adjusted as indicated below.)	County Draft Analysis or Comparative Basis or Assumption	Proposed (F/Y) Biscayne Gardens Incorporated Area Analysis	
		(2006)	(2014)
General Fund			
Town Council		\$ 10,000	\$ 60,000
Office of the Town Manager		303,900	392,100
Office of the Town Clerk		248,200	321,400

*Biscayne Gardens MAC Area Revenues and Expenditures Analysis
Final Report & Pro Forma – September 23, 2014*

Expenditures (Note: Used Cutler Ridge MAC budget) (for 2006 adjusted as indicated below.)	County Draft Analysis or Comparative Basis or Assumption	Proposed (F/Y) Biscayne Gardens Incorporated Area Analysis	
		(2006)	(2014)
Office of the Town Attorney		150,000	180,000
General Government		710,300	1,153,700
Finance Department		214,400	299,600
Police Department (R + S&O)	Service level = CR	5,648,000	5,495,500
Building and Planning Dept (c)	Built off CR estimate	723,300	938,300
Public Works Department	Based on CR est.	437,400	588,800
Parks and Recreation Dept (e)	Built off CR estimate	<u>142,900</u>	<u>333,000</u>
Total General Fund		<u>\$ 8,588,400</u>	<u>\$ 9,762,400</u>
Other Funds			
Total Stormwater Utility Fund	Same as CR	\$ 688,000	\$ 688,000
Total Transportation Fund *		* 932,000	* 472,000
QNIP (Debt and pay-as you-go) (e)		<u>107,000</u>	<u>268,000</u>
Total Other Funds		<u>\$ 1,727,000</u>	<u>\$ 1,428,000</u>
Total All Funds Expenditures		<u>\$10,315,400</u>	<u>\$11,190,400</u>
Total All Funds Balance		<u>\$ +366,600</u>	<u>\$ + 569,300</u>

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

Final Report & Pro Forma – September 23, 2014

Note (Group) A (as to Fiscal 2006 Figures)

- (a) Indicates no County figure provided for Fiscal 2006, therefore used Cutler Ridge MAC (CR) figure in County column then extrapolated based on larger population for Biscayne Garden (BG) MAC area.
- (b) Indicates used "80%" of County cost figure.
- (c) Indicates used "80%" of Cutler Ridge budget figure.
- (d) Calculated at "67%" of Cutler Ridge budget figure.
- (e) Calculated at "50%" of Cutler Ridge budget figure.

Note (Group) B (FY 2006 based on CR allocation)

* Portion of funds required to be spent on Transportation:	<u>2006</u>	<u>2014</u>
35% of State Revenue Sharing (2013 dropped allocation) on \$873,000 =	\$306,000	\$ 0
100% of Local Option Gas Tax (6%) =	450,000	342,000
100% of New Local Option Gas Tax (3%) =	<u>176,000</u>	<u>130,000</u>
 Total of Transportation Funds Projected	 \$932,000	 \$ 472,000

- (i) Allocation to "Professional Services" (Engineering) calculated at 10% on total expenditures
- (ii) Allocation to "Road Maintenance" calculated at 25% of total funds

Note (Group) C

- (o) Office of Strategic Business Management (OSBM) provided projections/allocations of F/Y 2007 Revenues for line items marked (o)
- (r) State of Florida – Dept of Revenue, Chief Economist Provided F/Y 2008 and 2014 projections for line items marked (r)

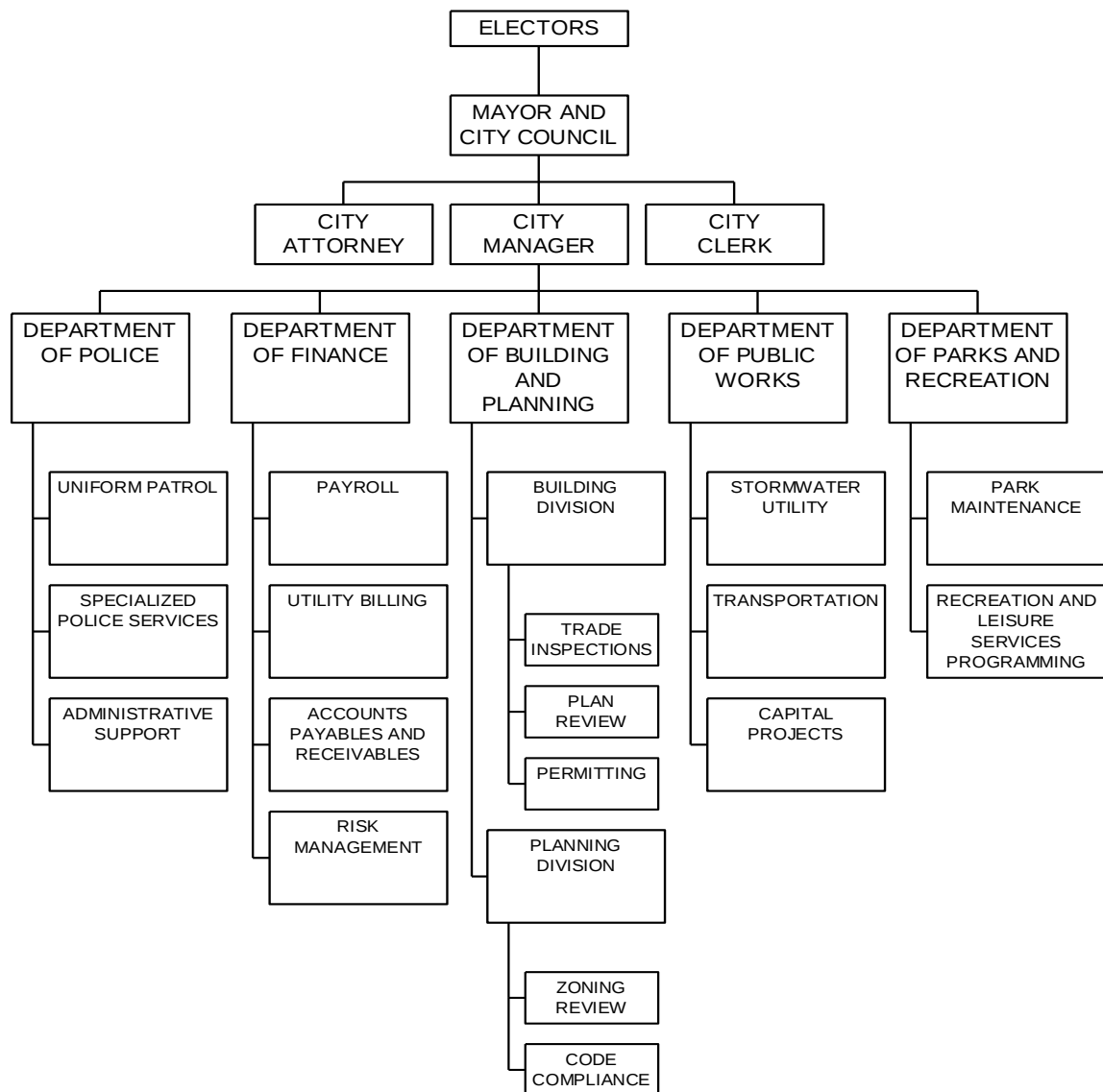
Biscayne Gardens MAC Area Revenues and Expenditures Analysis

Final Report & Pro Forma – September 23, 2014

Interim and Transition Period

If a new municipality is incorporated in Miami-Dade County, then the new Town enters into an “Interlocal Agreement” or contract, to clarify and agree on the municipal services and the levels and cost of said services to be provided to the Town by the County for an “Interim Period” (first six months after incorporation). After the municipal government has had an opportunity to set its priorities, the county and new municipality will enter into a separate **transition agreement**. In that second agreement, the parties will commit to a transition schedule through which the municipality will assume responsibility for delivering municipal services. Except for the delivery of local patrol and specialized police, library, solid waste collection and disposal, and fire-rescue services, the new city will responsible for delivering all municipal services. The delivery of those services is a decision for the Town’s elected officials to make.

Typical Organizational Chart



Biscayne Gardens MAC Area Revenues and Expenditures Analysis Final Report & Pro Forma – September 23, 2014

Town Council

The proposed Biscayne Gardens Area Town Council could consist of a Mayor and elected Council Members. For purposes of this analysis \$18,000 has been allocated for the expenses of the Town Council.

Town Council Expenditures	Comparative Basis or Assumption on developing FY 2006 figures	Proposed Biscayne Gardens Incorporated Area Analysis	
		(2006)	(2014)
Total Town Council Expenditures (Town Council of Mayor + 4 Council.) (2013 Base expense (\$18k + 30k) (500/month=\$6k x 5members=\$30k) (plus \$12k miscellaneous)	(Used CR + 50%)	\$ 10,000	\$ 60,000

FOOTNOTES KEY as to F/Y 2006 Projections

- (a) Indicates no County figure provided, therefore used Cutler Ridge (CR) MAC figure in County column then extrapolated based on larger population for Biscayne Gardens (BG) MAC Area (@ +10%).
- (b) Indicates used "80%" of County cost figure.
- (c) Indicates used "80%" of Cutler Ridge budget figure.
- (d) Calculated at "67%" of Cutler Ridge budget figure.
- (e) Calculated at "50%" of Cutler Ridge budget figure.
- (f) Calculated at 110% of Cutler Ridge budget figure.

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

Final Report & Pro Forma – September 23, 2014

Office of the Town Manager

The Town Manager would be the chief administrative officer of the Town and ensures the proper implementation of laws, policies, provisions of the Town Charter and acts of the Council through the administration of all departments, divisions and agencies of the Town government. The Town Manager would be nominated by the Mayor and confirmed by a majority vote of the Town Council. The Town Manager will be responsible for the appointment, supervision and removal of all Town employees with the exception of the Town Clerk and Town Attorney who are appointed by the Council. In addition, the Town Manager submits a proposed annual budget, capital improvement program and comprehensive annual financial report to the Town Council. Operating expenditures detailed below include Travel and Per Diem covering the cost of the annual International Town/County Management Association Conference and Rentals and Leases covering the cost of a leased vehicle for the manager.

Office of the Town Manager Expenditures	Comparative Basis or Assumption on developing FY 2006 figures	Qty.	Proposed Biscayne Gardens Incorporated Area Analysis	
			(2006)	(2014)
Personal Services				
Town Manager	(f)	1	\$ 110,000	\$ 130,000
Assistant Town Manager	(f)	1	71,500	77,000
Administrative Assistant	(f)	1	27,500	35,000
FICA	7.65% of Salary		16,000	18,500
Workmen's Compensation	10% of Salary		20,900	24,200
Retirement Contribution	10% of Salary		20,900	24,200
Employee Insurance Benefits	\$500/emp/ymonth and \$1200/e/m		18,000	43,200
Total Personal Services			\$ 284,800	\$ 352,100
Operating Expenditures				
Travel and Per Diem			\$ 4,000	\$ 9,000
Rentals and Leases			4,800	6,000
Repair and Maintenance - Vehicle			300	0
Operating Supplies - Gasoline			0	0
Publications, Dues and Training			4,000	6,000
Total Operating Expenditures			\$ 13,100	\$ 21,000
Capital Outlay - Machinery and Equipment				
Three Computers (+software)	\$2,000 each		\$ 6,000	\$ 19,000
Total Capital Outlay			\$ 6,000	\$ 19,000
Total Office of the Town Manager			\$ 303,900	\$ 392,100

FOOTNOTES KEY as to F/Y 2006 Projections

- (a) Indicates no County figure provided, therefore used Cutler Ridge (CR) MAC Area figure in County column then extrapolated based on population for Biscayne Gardens (BG) MAC Area (@ +10%).
- (b) Indicates used "80%" of County cost figure.
- (c) Indicates used "80%" of Cutler Ridge budget figure.
- (d) Calculated at "67%" of Cutler Ridge budget figure.
- (e) Calculated at "50%" of Cutler Ridge budget figure.
- (f) Calculated at 110% of Cutler Ridge budget figure.

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

Final Report & Pro Forma – September 23, 2014

Office of the Town Clerk

The Town Clerk would be the secretary for the Town Council, the Local Planning Agency, the Planning Board, and of the municipal corporation. The Town Clerk would be nominated by the Mayor and confirmed by a majority vote of the Town Council. The Town Clerk is responsible for giving notice of public meetings and maintaining an accurate record of all proceedings. In addition, the Town Clerk serves as the Financial Disclosure Coordinator with the Florida Commission on Ethics; serves as the Records Management Liaison with the Florida Department of State; and maintains custody of Town records including agreements, contracts, ordinances, resolutions and proclamations. Operating expenditures includes \$12,000 in contractual services to cover the costs of codification, indexing of minutes and records retention and \$20,000 for legal advertising costs.

Office of the Town Clerk Expenditures	Comparative Basis or Assumption on developing FY 2006 figures	Proposed Biscayne Gardens Incorporated Area Analysis		
		Qty.	(2006)	(2014)
Personal Services				
Town Clerk	(f)	1	\$ 77,000	\$ 82,000
Assistant Town Clerk	(f)	1	44,000	50,000
Administrative Assistant	(f)	1	27,500	34,000
FICA	7.65% of Salary		11,400	12,700
Workers Compensation	10% of Salary		14,900	16,600
Retirement Contribution	10% of Salary		14,900	16,600
Employee Insurance Benefits	\$ 500/emp/ly/month		18,000	43,200
Total Personal Services	and \$1200/e/m		\$ 207,200	\$ 255,100
Operating Expenditures				
Records Retention			\$ 12,000	\$ 18,000
Travel and Per Diem			2,000	4,000
Legal Advertising			20,000	20,000
Publications, Dues and Training			1,000	3,300
Total Operating Expenditures			\$ 35,000	\$ 45,300
Capital Outlay - Machinery and Equipment				
Imaging System			\$ 0	\$ 5,000
Computers (+software)	\$2,000 each		6,000	16,000
Total Capital Outlay			\$ 6,000	\$ 21,000
Total Office of the Town Clerk			\$ 248,200	\$ 321,400

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

Final Report & Pro Forma – September 23, 2014

Office of the Town Attorney

The Town Attorney would provide legal support and opinions to the Town Council, Town Manager, Department Directors and advisory boards, on all legal issues affecting the Town. The Office of the Town Attorney may assist the Town Clerk with the drafting of resolutions and ordinances. The Town Attorney is responsible for drafting and reviewing agreements, contracts and leases. The Town Attorney may defend and prosecute cases involving the Town. This is a general provision for services typical to normal operations of the municipality and any specific legal situation looking forward would be handled by specific additional budget allocation at the time of occurrence.

Office of the Town Attorney Expenditures	Comparative Basis or Assumption on developing FY 2006 figures	Proposed Biscayne Gardens Incorporated Area Analysis	
		(2006)	(2014)
Operating Expenditures			
Contractual Services	All Services	\$ 150,000	\$ 150,000
Support Services for legal		0	30,000
Total Operating Expenditures	FTE 1	\$ 150,000	\$ 180,000
Total Office of the Town Attorney		\$ 150,000	\$ 180,000

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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General Government

This section covers a variety of items of a general nature not applicable to any one specific department or office such as the human resources function, which is shared by all departments. Other general expenditures in this section's estimate include costs associated with software costs for all computers, communication and freight service costs such as telephones and postage, utility costs such as electricity and water for office space, rental and lease costs associated with the office space, insurance, janitorial services, office supplies, recruitment costs, printing, and office equipment.

General Government Expenditures	Comparative Basis		Proposed	
	or Assumption on developing FY 2006 figures	Qty.	Biscayne Gardens Incorporated (2006)	Area Analysis (2014)
Personal Services				
Personnel Director	(f)	1	\$ 49,500	\$ 63,000
Administrative Assistant	(f)	1	27,500	34,000
FICA	7.65% of Salary		5,900	7,500
Workers Compensation	10% of Salary		7,700	9,700
Retirement Contribution	10% of Salary		7,700	9,700
Employee Insurance Benefits	\$500/empty/month and \$1200/e/m		12,000	28,800
Total Personnel Services			\$ 110,300	\$ 152,700
Operating Expenditures (See Notes 1 - 6)				
Miscellaneous Services			\$ 30,000	\$ 45,000
Travel and Per Diem			1,000	2,000
Telephone and Delivery			60,000	66,000
Utility Services (2)			50,000	55,000
Rentals and Leases (3)			75,000	250,000
Insurance (4)			134,000	290,000
Software System Maintenance			25,000	25,000
Printing			40,000	40,000
Office Equipment Leases (5)			25,000	25,000
Janitorial Services (6)			15,000	16,000
Office Supplies			75,000	76,000
Publications, Dues and Training			5,000	6,000
Recruitment Costs			15,000	15,000
Total Operating Expenditures			\$ 550,000	\$ 911,000
Capital Outlay - Machinery and Equipment				
Office Furniture (FF&E) (5)			\$ 50,000	\$ 90,000
Total Capital Outlay			\$ 50,000	\$ 90,000
Total General Government			\$ 710,300	\$1,153,700

NOTES on 2014 Projections:

(1) Operating Expenses projected on Municipal Offices space calculations:

Total Personnel = 22 Payroll Employees + 2 FTE Employees on Part-time or Contracted Services

24 EFT (Effective Full Time) employees @ 600sf per EFTE = 14,400sf of office space

(2) Utilities calculated at \$3.50+ psf

(3) Office Space Lease Calculated at \$17+psf

(4) Insurance includes all real property, equipment, vehicles, and personalty covered for all casualty and liability

(5) FF&E – Furniture, Fixtures & Equipment shall be leased or purchase on time and is included here for all departments; calculated at \$4,000 per actual employee per year (22 Employees)

(6) Janitorial by independent contractor at \$1.50+psf-actual space (@ 70% of gross space)

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Finance Department

The Finance Department would be the central fiscal control and accounting body of the Town government. The Finance Director serves as the Chief Financial Officer for the Town. The Department deals with the daily finance/accounting activities including payroll, accounts payable, accounts receivable, revenue collection, cash management, debt management, risk management, purchasing, and financial reporting. The Finance Director provides vital support in the development of the Comprehensive Annual Financial Report and the Annual Budget and Capital Program. In addition, the Department is responsible for the billing and collection of the Stormwater Utility Fees.

Finance Department Expenditures	Comparative Basis or Assumption on developing FY 2006 figures	Proposed Biscayne Gardens Incorporated Area Analysis		
		Qty.	(2006)	(2014)
Personal Services				
Finance Director	(f)	1	\$ 77,000	\$ 90,000
Accounting Clerk	(f)	1	30,300	36,000
FICA	7.65% of Salary		5,900	9,600
Workers Compensation	10% of Salary		7,700	12,600
Retirement Contribution	10% of Salary		7,700	12,600
Employee Insurance Benefits	\$500/empty/month and \$1200/e/m		<u>12,000</u>	<u>28,800</u>
Total Personnel Services			<u>\$ 110,300</u>	<u>\$ 189,600</u>
Operating Expenditures				
Accounting and Auditing	(f)		\$ 49,500	\$ 65,000
Office Supplies			6,000	8,000
Travel and Per Diem			2,000	3,000
Publications, Dues and Training			2,000	3,000
Independent Audit			<u>0</u>	<u>25,000</u>
Total Operating Expenditures			<u>\$ 59,500</u>	<u>\$ 104,000</u>
Capital Outlay - Machinery and Equipment				
Three Computers	\$2,000 each		<u>\$ 6,000</u>	<u>\$ 6,000</u>
Total Capital Outlay			<u>\$ 6,000</u>	<u>\$ 6,000</u>
Total Finance Department			\$ 214,400	\$ 299,600

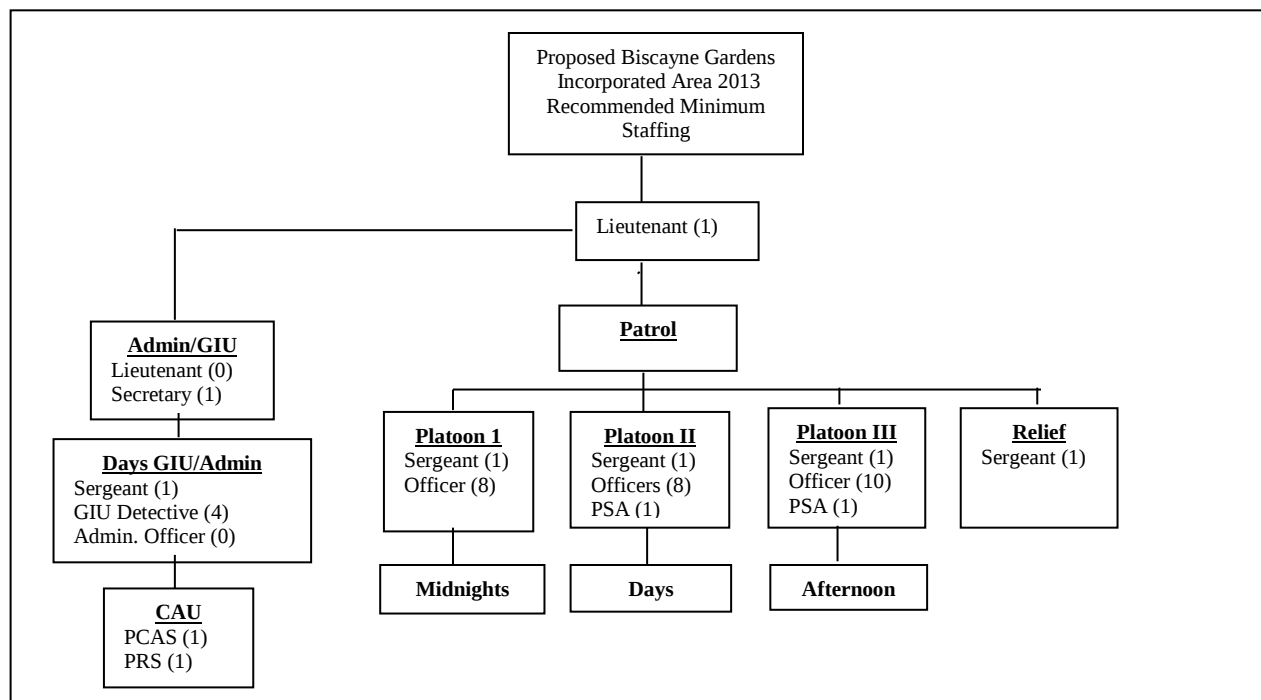
Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Police Department

Police Services will be provided by Miami-Dade County for the first three years of incorporation. The following figures represent the costs associated with the creation of the proposed Biscayne Gardens Incorporated Area Police Department based on requiring a similar scope of services and budget as provided the proposed Cutler Ridge Incorporated Area. The costs for the service provided by the County during the transition period are allocated in the General Fund Expenditure section of this report (and not part of this pro forma).

The proposed Biscayne Gardens Incorporated Area Police Department services will be a full service community oriented police agency, committed to community involvement with concentration placed on the prevention of crime. This will be accomplished through the establishment of a department of **37 sworn police officers** and **6 civilian support staff**. For a more detailed description of the departmental operations and shift assignments, see the Miami-Dade Police Department Presentation Entitled “Contractual Services for Proposed Incorporation Area of the Cutler Ridge Area _____” in Appendix F (not part of this pro forma).



<u>Minimum Staffing (2013)</u>				
Sworn		Non-Sworn		
Captain	0	Public Service Aide (PSA)	2	
Lieutenant	1	Police Records Specialists (PRS)	1	
Sergeant	5	Police Crime Analysis Specialist	1	
Officer	26	Data Entry Specialist (DES)	0	
Admin. Officer	0	Secretary	1	
Detective	4			
Totals	36			5

Positions	Number of Persons	
	(2006)	(2013)
SWORN PERSONNEL		
Major	0	0
Captain	1	0
Lieutenant	2	1
Sergeant	5	5
Officer	25	26
Administrative Officer	1	0
Detective	3	4
TOTAL SWORN PERSONNEL	37	36
CIVILIAN PERSONNEL		
Secretary	1	1
Public Service Aide	1	2
Police Crime Analysis Specialist	1	1
Police Records Specialist	1	1
Police Station Specialist	0	0
Office Support Specialist	0	0
Data Entry Specialist	2	0
TOTAL CIVILIAN PERSONNEL	6	5
Total Proposed Positions	43	41

*Biscayne Gardens MAC Area Revenues and Expenditures Analysis
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Police Department Expenditures All Expenditure figures based on the Miami-Dade Police Department Proposal for Contractual Services for Proposed Incorporation Area of Cutler Ridge applied to Miami Biscayne Gardens	Calculation Average Cost	Qty.	Proposed Biscayne Gardens Incorporated Area Analysis (See Notes below)	
			(2006)	(2013)
Classification				
Police Major		0		0
Police Captain		1		0
Police Lieutenant		2		1
Police Sergeant		5		5
Police Detective		3		4
Police Officer		<u>25</u>		<u>26</u>
Sub-total Sworn Officers		<u>36</u>		<u>36</u>
Public Service Aide		1		2
Police Record Specialist		1		1
Data Entry Specialist		2		0
Police Station Specialist		0		0
Police Crime Analyst		1		1
Administrative Secretary		0		0
Secretary		<u>1</u>		<u>1</u>
Sub-total Non-sworn Officers		<u>6</u>		<u>5</u>
Total Staff		<u>42</u>		<u>41</u>
Vehicles (Sworn & PSA)	37		(Marked)	30
Vehicles (Sworn, Non-Sworn, Vehicles)	40		(Unmarked) (PSA)	6 2
General Overtime				
Enhanced Enforcement		1		
Subtotal Police Department			\$ 4,321,000 (i)	\$ 5,495,500
Specialized Police Services (Estimated)			<u>1,327,000</u> (ii)	n/a
Total Police Department			\$ 5,648,000	\$ 5,495,500

Notes to Development of Original FY 2006 Projections:

- (i) Regular Police Services figures based on MDPD Proposal for CR Proposed Municipal Area
- (ii) Specialized Police Services figure is based on CR (Cutler Ridge) MAC estimates, adjusted for population differential only

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Building and Planning Department

The proposed Biscayne Gardens Incorporated Area Building and Planning Department would consist of two divisions. The Building Official heads the Building Division and the Planning Director heads the Planning Division. (Note: As an alternative the proposed municipality should do a "make or buy" analysis of the entire function to determine if the function could be hired out to a nearby Municipality like the City of North Miami or North Miami Beach at a substantial savings and similar level of service, i.e., more cost effectively, then handled internally.) The Department would provide the residents of the Town, architects, engineers, attorneys, developers, shopkeepers, and other government agencies with a friendly, courteous and expeditious turnaround of information and permit requests. The Building Division would be charged with the review, processing, issuance, and inspections of building permits for the proposed Biscayne Gardens Incorporated Area. The focus of this division will be to provide for the orderly processing of permits, the assurance that inspections are being performed in a timely and safe manner and that construction complies with the provisions of all applicable codes. The Planning Division will be charged with the oversight of all inquiries pertaining to zoning, including but not limited to, property plat and zoning information, Comprehensive Plan amendments, variance requests, site plan reviews, issuance of sign permits, tree removal permits, special event permits, land development regulations and code compliance activity. The review responsibility for this division is regulated by Florida Statutes Chapters 163 and 380 and Florida Administrative Code Section 9-15. These regulations control the development and implementation of the municipality's Master Plan, including Development Regulations, Concurrency Regulations, Code Enforcement, and other issues relating to the overall planning and land use function.

The following departmental expenditures provides for the salaries for all personnel necessary to provide services to the community. The positions were based on current service levels being provided by the County. Appendix C (not part of this pro forma) of the original report details the actual number of permits issued and inspections conducted by the County for the Cutler Ridge area. In FY 01-02 a total of 2,781 permits were issued and a total of 12,843 inspections were conducted. The proposed Biscayne Gardens Incorporated Area is believed to be substantial more developed (over 98% built out) and therefore not expected to require the same level of services or staff. The operating expenditures allocate \$1,400 for court reporter services at quasi-judicial hearings. Other Contractual Services appropriates \$100,000 to fund Plan Review Consultant Fees, which are expected to be 50% of that budgeted for Cutler Ridge because the area is over 98% built out, and the cost of document imaging. This pro forma contemplates little change or variation in land use to the existing master plan, which plan has been long established and followed.

Building and Planning Department Expenditures		Comparative Basis or Assumption on developing FY 2006 figures- used Cutler Ridge Budget for line item	Qty	Proposed Biscayne Gardens Incorporated Area Analysis		
				(2006)	[Qty.]	(2014)
Personal Services						
Building Official	(f)	\$ 75,000	1	\$ 82,500	[1]	\$ 85,000
Planning Director	(f)	65,000	1	71,500	[1]	75,000
Administrative Assistant	(f)	2 for \$60,000	(e)1	33,000	[1]	38,000
Permit Clerk	(f)	2 for \$50,000	(e)1	27,500	[1]	33,000
Plans Processing Clerk	(f)	25,000	1	27,500	[0]	0
Planner/ Planning Services		40,000	0	0	[0]	40,000
Building Inspection Services		0	0	0	[0]	35,000
Code Compliance Officers	(f)	3 for \$90,000	(d)2	66,000	[3]	120,000
FICA		7.65% of Salary		23,600		26,900
Workers Compensation		10% of Salary		30,800		35,100
Retirement Contribution		10% of Salary		30,800		35,100
Employee Insurance Benefits		\$500/emp/month and \$1200/e/m		<u>48,000</u>		<u>100,800</u>
Total Personal Services		\$582,983	7	\$ 441,200	[7]	\$ 623,900

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Operating Expenditures				
Court Reporter Services	(f)	\$ 1,600	\$ 3,600	
Master Plan Costs	(e)	100,000	100,000	
Travel and Per Diem		5,000	10,000	
Repair and Maintenance - Vehicles	\$2,000 per vehicle	4(d) 8,000	8,000	
Repair and Maintenance Other	(f)	2,000	2,000	
Printing and Binding		7,000	8,000	
Other Current Charges	(c)	32,000	35,000	
Operating Supplies - Gasoline	(f)	20,000	60,000	
Operating Supplies - Other		4,000	4,800	
Publications, Dues and Training		6,500	7,000	
Total Operating Expenditures		\$ 186,100	\$ 238,400	
Capital Outlay - Machinery and Equipment				
Eight Computers	\$2,000 each	(c) 8 \$ 16,000	\$ 16,000	
Radio System		20,000	0	
Four Vehicles		60,000	60,000	
Total Capital Outlay		\$ 96,000	\$ 76,000	
Total Building and Planning Department		\$ 723,300	\$ 938,300	

FOOTNOTES KEY as to F/Y 2006 Projections

- (a) Indicates no County figure provided, therefore used Cutler Ridge (CR) MAC figure in County column then extrapolated based on larger population for Biscayne Gardens (BG) MAC Area (@ +10%).
- (b) Indicates used "80%" of County cost figure.
- (c) Indicates used "80%" of Cutler Ridge budget figure.
- (d) Calculated at "67%" of Cutler Ridge budget figure.
- (e) Calculated at "50%" of Cutler Ridge budget figure.
- (f) Calculated at 110% of Cutler Ridge budget figure.

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Public Works Department

The proposed Biscayne Gardens Incorporated Area Public Works Department will be responsible for the maintenance of roads and other public areas and facilities, beautification projects, third-party contract management, stormwater management, and the construction management of all capital improvement projects.

The following departmental expenditures provides for the salaries of seven employees with benefits. A total of \$4,000 was provided for in Travel and Per Diem to fund the conference expenses for the director. Repair and Maintenance – Vehicles appropriates \$10,000 for miscellaneous repairs to the five department vehicles. Additionally, \$2,500 was allocated in Repairs and Maintenance – Other to cover the cost of maintenance of miscellaneous equipment used by the laborers. Other Current Charges provides \$1,000 for incidental charges. \$16,000 was funded for Gasoline and \$25,000 in Operating Supplies – Other to purchase maintenance equipment such as blowers, rakes, etc. Publications, Dues and Training were funded at \$5,000. Capital Outlay totaling \$81,000 provides for five trucks and three computers. The level of Public Works activity is projected to be comparable to that of the proposed Cutler Ridge Incorporated Area.

Public Works Department Expenditures	Comparative Basis or Assumption (Same Staffing as Cutler Ridge pro forma for 2006)	Qty	Proposed Biscayne Gardens Incorporated Area Analysis		
			(2006)	[Qty]	(2014)
Personal Services					
Public Works Director	(f)	1	\$ 60,500	[1]	\$ 75,000
Administrative Assistant	(f)	1	27,500	[1]	34,000
Foreman	(f)	1	44,000	[1]	46,000
Laborers (Qty: 2 @ 35k)	\$33,100(f)	3	69,300	[2]	70,000
Part-time & Contract Labor (1 FTE)			0	[1]	35,000
FICA	7.65% of Salary		14,000		17,300
Workers Compensation	10% of Salary		18,300		22,500
Retirement Contribution	10% of Salary		18,300		22,500
Employee Insurance Benefits	\$500/emp/ymonth and 5@ \$1200	6	36,000	[5]	72,000
Total Personal Services		6	\$ 292,900	[6]	\$ 394,000
Operating Expenditures					
Beautification			\$ N/A		\$ 12,000
Travel and Per Diem			4,000		4,000
Repair and Maintenance - Vehicles			10,000		10,000
Repair and Maintenance Other			2,500		4,500
Other Current Charges			1,000		5,000
Operating Supplies - Gasoline			16,000		58,500
Operating Supplies - Other			25,000		25,000
Publications, Dues and Training			5,000		5,500
Total Operating Expenditures			\$ 63,500		\$ 124,500
Capital Outlay - Machinery and Equipment					
Computers (Qty: 3 / 4 / 5)		3	\$ 6,000	[4]	\$ 10,000
Vehicles (Qty: 3 / 4 / 4)		5	75,000	[4]	60,000
Total Capital Outlay			\$ 81,000		\$ 70,000
Total Public Works Department			\$ 437,400		\$ 588,800

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Parks and Recreation Department

Once the proposed Biscayne Gardens Incorporated Area takes over the park functions from the County, it will be operating the following three parks:

(NOTE: The following information is not accurate, nor complete - no physical inventory has been done.)

Oak Groves Park 690 NE 159 th Street (NE 6 th - 8 th Avenue) (NOTE: No programs expenses included in pro forma)	21.71 Acres Amenities: (detail is not yet correct)	3 Tennis Courts - No Lights 1 Softball Field - No Lights 1 Soccer Field-No Lights 4+ BBQ areas with picnic tables 1 Park Perimeter Fence 3+ Parking Spaces Handicapped 66+ Parking Spaces Standard 1 Recreation Center Restrooms - Small 3000+ SF 1 Tot- Lot area (Medium) 1 Park Sign
Jeb Estates Park (Passive) NW 147 th Street and NW 16 th Court	1.47 Acres Amenities:	1 Open Space with trees and waterfront 1 Acre+ of up-scale pine needle ground cover 1 Park Perimeter - No Fence
Biscayne Gardens Park (Passive) NW 159th Street (NW 2nd Ave to N. Miami Ave.)	4.18 Acres Amenities:	1 Panoramic view of Trash Transfer Station 1 Park Perimeter Fence (to be built) 1 Recreation Field (promised but not funded)

For the purposes of establishing this department's expenditures, the actual operating expenditures provided by Miami-Dade County for each park were utilized, with some adjustments upwards. For more detailed information, please refer to the Parks Department Presentation (Appendix E is not part of this pro forma).

Parks and Recreation Department Expenditures	Comparative Basis or Assumption (FY 2006 at 50% of County Budget)	Proposed Biscayne Gardens Incorporated Area Analysis	
		(2006)	(2014)
Oak Grove Park	\$245,800 for 2004	\$ 122,900	\$ 330,800 (i)
Jeb Estates Park	Estimated from CR	10,000	1,000 (ii)
Biscayne Gardens 159th Street Park	Estimated from CR	<u>10,000</u>	<u>1,200 (ii)</u>
Total Parks and Recreation Programs		<u>\$ 142,000</u>	<u>\$ 333,000</u>
Park Additions & Improvements		<u>\$ 0</u>	<u>\$ 0</u>
Total Parks and Recreation Department		\$ 142,900	\$ 333,000

Note: 2013 based on County actual 2013 budget

(i) Projected at \$125,000 maintenance +
 \$125,000 to cover funding deficits on
 Community parks program expenses
 Not covered by user fees

(ii) Passive parks, basic maintenance

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Stormwater Utility Fund

Once the proposed Biscayne Gardens Incorporated Area adopts its own Stormwater Management Ordinance and begins collecting revenues from the Stormwater Utility Fees, the Public Works Department will be responsible for supervising the Stormwater Management Program which will provide for the maintenance of existing catch basins, stormwater drains and canal system as well as future construction of new facilities as may be recommended upon the development of a Stormwater Master Plan.

The revenues generated by the Stormwater Utility Fees **may only be utilized towards the cost of Stormwater Management** and therefore is a budgetary wash (no pun intended ☺), but provides for much greater local input to the priority of spending. Based on the pro forma developed for the proposed Cutler Ridge Incorporated Area it is projected that a total of \$688,000 will be generated in revenues. The proposed operating expenditures for this fund provides for \$100,000 in Professional Services to cover the cost of an engineering company to prepare a Stormwater Master Plan. Additionally, \$173,000 has been allocated for stormwater cleaning to fund general maintenance of the existing stormwater system including catch basins, French drains and canals. \$5,000 was allocated in Printing and Binding to cover the printing costs associated with the utility bill and \$10,000 in the Communications and Freight line item for postage necessary to mail the bills. Finally, \$400,000 was allocated for miscellaneous capital improvements to the system such as new construction of catch basins or French drains in frequently flooded areas.

Stormwater Utility Fund Expenditures (See NOTE below)	Comparative Basis or Assumption on developing FY 2006 figures	Proposed Biscayne Gardens Incorporated Area Analysis (2006) (2014)
Operating Expenditures		
Professional Services		\$ 100,000 \$ 100,000
Other Contractual Services		173,000 173,000
Printing and Binding		5,000 5,000
Communications and Freight		<u>10,000</u> <u>10,000</u>
Total Operating Expenditures		\$ 288,000 \$ 288,000
Capital Outlay		
Improvements Other than Buildings		\$ <u>400,000</u> \$ <u>400,000</u>
Total Capital Outlay		\$ 400,000 \$ 400,000
Total Stormwater Utility Fund		\$ 688,000 \$ 688,000
\$3.00 ERU/per month		

NOTE: Stormwater Fees are mandated to be used exclusively for storm water systems development and maintenance, because proper Funds Accounting will result in revenues equaling expenditures with no effect on "general funds", no forecasting of increases in revenues or expenses has been made.

Biscayne Gardens MAC Area Revenues and Expenditures Analysis

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Transportation Fund

This fund manages the local option gas tax revenues and 35% of State Revenue Sharing revenues, which must be utilized for transportation. County and Municipal governments shall utilize the proceeds of **the 6 cents local option fuel tax only for transportation expenditures**. The proceeds of the **3 cents local option fuel tax must be used for only those transportation expenditures** needed to meet the requirements of the capital improvements element of **an adopted comprehensive plan**.

Section 336.025(7) of the Florida Statutes, defines “transportation expenditures” to include those expenditures by the local government from local or state-share revenue sources, excluding expenditures of bond proceeds, for the following programs:

- ❖ Public transportation operations and maintenance
- ❖ Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- ❖ 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.

The revenues generated by State Revenue Sharing may only be utilized towards transportation, thus the category is a budgetary wash, but provides for much greater local input to the priority of spending. Based on the pro forma developed for the proposed Cutler Ridge Incorporated Area it was projected that a total of \$847,000 could be generated in revenues. The pro forma expenditures allocate 10% for engineering design services and 25% for contract maintenance of the roads. In addition, capital funds can be allocated in the capital outlay section to fund major capital improvements recommended by the consulting engineer.

Transportation Fund Expenditures	Comparative Basis or Assumption on developing FY 2006 figures	Biscayne Gardens Incorporated Area Analysis (2006)	Proposed Analysis (2014)
Operating Expenditures			
Professional Services	(a)	\$ 82,500	\$ 47,200(i)*
Road Maintenance	(a)	<u>220,000</u>	<u>118,000(ii)*</u>
Total Operating Expenditures		<u>\$ 302,500</u>	<u>\$ 165,200</u>
Capital Outlay			
Improvements to Roads	(remainder)	<u>\$ 629,500</u>	<u>\$ 306,800</u>
Total Capital Outlay		<u>\$ 629,500</u>	<u>\$ 306,800</u>
Total Transportation Fund	(* see note page 3)	\$ 932,000	\$ 472,000

This Document and prior related Documents Prepared by Roger M. Gordon, Vice-Chairperson - Biscayne Gardens MAC - 5/22/08; 10/29/13 thru 2/25/14 and 9/23/14.

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INTRODUCTION

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

The previous budget was prepared by the Biscayne Gardens 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, revises the budget for further discussion.

The original budget was prepared by the MAC through the efforts of a member with a Finance background. The budget was initially submitted in a document titled “*Proposed Biscayne Gardens Incorporated Area MAC Report On: Preliminary Pro Forma On Revenues and Expenditures And Municipal Structure & Costs Analysis, April 14, 2005*”. This document was further revised with the “*Proposed Biscayne Gardens Incorporated Area MAC Report On: Draft of Final Report & Pro Forma On Revenues and Expenditures And Municipal Structure & Costs Analysis, February 25, 2014*”. Both documents were prepared using data provided by County Departments and review of comparable municipalities in Miami-Dade County.

The revision of the analysis in 2014 was due to the fact that the 2005 effort did not proceed. Changes in Taxable Value, service costs and other factors required the recasting of the financial analysis to account for current conditions.

The 2014 document 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.

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

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 and Exemptions (such as Save Our Homes, Elderly, Disabled, etc.). Taxable Value figures for the Biscayne Gardens 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 4.00, which is 107% higher than the current Millage Rate for the unincorporated area of Miami-Dade County (1.9283).

The Millage Rate of 4.00 generates Ad Valorem Taxes of \$2,799,000.

The 4.00 Millage Rate is also higher than the proposed Millage Rate in the 2005 report, which was estimated at 2.47 mils. The reason for the increase is the sharp decline in property values caused by the Great Recession. Rates fell dramatically across Miami-Dade County and have yet to recoup the pre-Recession values.

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%.

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:	\$ 832,300
Utility Taxes:	\$1,674,400

These figures are reasonable based on the experiences of other comparable municipalities in Miami-Dade County.

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.

The estimate for this source was taken from the budget review by OMB and is placed at \$58,000, which is a reasonable amount. The Biscayne Gardens area has a total of 902 businesses (Claritas). A comparison is North Miami Beach (adjacent to Biscayne Gardens) which has 2,108 businesses and generates \$130,000 in Business Tax revenue.

Most of the businesses in the area are in Retail, Service and Health Related industries

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. Since the Biscayne Gardens area does not have a significant amount of vacant land, this type of activity will likely be limited to remodeling and repair of existing structures.

One of the direct comparisons with Biscayne Gardens is the Village of Biscayne Park, which is located near Biscayne Gardens. Although small in size than Biscayne Gardens, Biscayne Park is similar in nature considering that the municipality has virtually no vacant property. The annual

building permits for Biscayne Park is \$60,000 annually, which makes the \$136,000 for Biscayne Gardens reasonable.

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 for Biscayne Gardens is \$144,000, which is a reasonable amount.

State Shared Revenues/1/2 Cent Sales Tax

These sources are provided by the State of Florida to share revenues generated by the State and reallocated to the local jurisdictions based primarily on population.

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 ½ Cent Sales Tax is not revenue generated at the local level, but rather ½ 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.

Figures for these sources were obtained from The Florida Department of Revenue based on the projected population of the new municipality and the population of the remainder of Miami-Dade County. The allocation formulae were applied to the prospective municipality and estimates generated. The figures are:

State Shared Revenue:	\$1,139,000
½ Cent Sales Tax:	\$2,256,000

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 been expanding significantly annually since more devices are available and in use each year. Many households have multiples of these 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 estimate for this source was taken from the budget review of other municipalities in Miami-Dade County and the experience of PMG Associates. This number differs from the original estimate of OMB and the report completed by the MAC.

The estimates from the three sources are:

MAC: \$ 845,000

OMB: \$ 840,047

PMG: \$1,304,000

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 reasonable.

Intergovernmental:	\$ 8,000
Charges for Service:	\$ 6,000
Fines and Forfeitures:	\$188,000
Other Revenues:	\$ 55,000

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, who is responsible for the maintenance of the drainage facilities. The fee actually represents a “Pass-through” of funds for services provided.

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.

Revenue Projection

\$688,000

Associated Expenditures

\$688,000

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.

Revenue Projection

\$472,000

Associated Expenditures

\$472,000

Total Revenue

The estimates of revenue from all sources totals \$11,759,700 and is represented in Table 2. The figure is an increase of \$660,700 (approximately 6%) from the MAC 2014 report.

TABLE 2
SUMMARY OF REVENUES

Category	Amount
Ad Valorem	\$2,799,000
Franchise Fees	\$832,300
Utility Taxes	\$1,674,400
Occupational License	\$58,000
Building Permit Fees	\$136,000
Other Licenses/Fees/Permits	\$144,000
State Shared Revenue	\$1,139,000
1/2 Cent Sales Tax	\$2,256,000
Communication Tax	\$1,304,000
Intergovernmental	\$8,000
Charges for Service	\$6,000
Fines and Forfeiture	\$188,000
Other Revenues	\$55,000
Stormwater	\$688,000
Gas Tax	\$472,000
Total	\$11,759,700

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 Biscayne Gardens will not impact these taxes. Levies include:

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

Property Owners in the Biscayne Gardens 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

Expenditures for the municipality were determined by analysis by various County Departments as well as examination of other municipal budgets. The expenditure estimate was based on personnel levels, equipment and operational costs.

Town Council

The estimate includes a minimal amount for salaries and expenses of Council members (5). The third-party review added a small amount of expenses \$12,000 for membership in organizations and other costs to represent the constituents. The expenditure amount represents a philosophy that the elected officials will only receive a modicum of reimbursement for their time to serve the public. This philosophy is common in start-up municipalities and is reasonable in this case.

Total cost - \$60,000

Town Manager

The estimate for this department includes staffing level of three (Manager, Assistant Manager, Administrative Assistant) as well as operating costs for the Department.

Total cost - \$392,100

Town Clerk

This department has a staff of three and includes operating costs as well as records retention, mailing costs, advertising and other expenses.

Total cost - \$321,400

Town Attorney

This expenditure will be on a contract basis with an outside law firm. The cost includes all of the support of the designated Town Attorney

Total Cost – \$180,000

General Government

This department includes Human Relations as well and rental for the City Hall and meeting facility and operations. The Human Relations staff is estimated at two, which should be adequate for a total staff of approximately 30. This position may also assist in the outside contracts.

The estimate includes a projected cost of \$250,000 for rentals and leases for the City Hall and Administrative Offices. Based on current rents in the area, this figure is reasonable.

The estimate for Insurance is \$290,000 annually. This figure is difficult to estimate since insurance costs have been rising steadily in the recent past. For this report, the amount is reasonable.

Total cost - \$1,153,700

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. Operating costs were also included. One item absent from the estimate is the cost of the annual Audit, which is required by State law. The cost of this item is usually included in the Finance Department Budget. An increase in the costs of \$25,000 was added to include the Audit. This figure was obtained by examining other municipal budgets and extrapolating for the size of the Biscayne Gardens budget.

Total Cost – \$299,600

Police/Parks and Recreation

Provided by Miami-Dade County based on experience.

Total Cost Police - \$5,495,500

Total Cost Parks - \$333,000 (net of revenue and expenditures)

Building and Planning

Staff of 7 for this department will handle permits, inspections and Code compliance. The operating costs include vehicles and the completion of the Comprehensive Plan. The costs were based on budgets from other jurisdictions.

Total cost - \$938,300

Public Works

This department includes a staff of six that are responsible for maintenance of public lands including parks. The maintenance of the parks includes three sites that are to be transferred to the new municipality. Two of the facilities are passive parks (Jeb Estates and Biscayne Gardens Park). The cost for these facilities is minor.

The largest expenditure is for Oak Groves Park, which includes tennis courts, ball fields, picnic area, playgrounds restrooms and parking. All of the maintenance for this facility will be the responsibility of the new municipality.

Total Cost - \$588,800

Stormwater/Utility/Transportation

The expenditures for these categories equal the revenue generated.

Category	Revenue	Expenditures
Stormwater Fees	\$688,000	\$688,000
Transportation Revenue	\$472,000	\$472,000

QNIP

Representing the share of the new municipality of the debt incurred by Miami-Dade County, this figure was provided by OMB. The figure of \$267,000 is slightly higher than the amount found in the 2014 report completed by the MAC.

Total Expenditures

Total expenditures equal \$11,190,400, which is an increase of \$105,000 (approximately 1%) over the amount in the MAC report. The amounts are found in Table 3.

TABLE 3
ESTIMATED EXPENDITURES

Category	Amount
Town Council	\$60,000
Office of Town Manager	\$392,100
Office of Town Clerk	\$321,400
Office of Town Attorney	\$180,000
General Government	\$1,153,700
Finance Department	\$299,600
Police Department	\$5,495,500
Building and Planning Department	\$938,300
Public Works Department	\$588,800
Parks and Recreation Department	\$333,000
Stormwater Utility Fund	\$688,000
Total Transportation Fund	\$472,000
QNIP (Debt and pay-as you-go)	\$267,000
Total	\$11,190,400

NET OPERATIONS

The result of the analysis provided in this report is an overall surplus (Revenues less Expenditures) of \$569,300, which is 5.09%. This percentage is significantly higher than in the MAC report (0.12%). The increase in surplus is due to the higher revenue projections, which are based on the higher projections by PMG Associates for the Communication Service Tax.

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.

One strategy that the new municipality could consider is the lowering of the Ad Valorem rate due to the surplus amount. However this surplus should not be less than 2.5%. With this level, the most that the Ad Valorem rate could be lowered is 10% to 3.6 mills. The reduction in the Contingency Fund amount must then be made up in subsequent years.

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	\$11,099,000	\$11,759,700
Expenditures	\$11,085,400	\$11,190,400
Surplus	\$ 13,600	\$ 569,300
Percentage	0.12%	5.09%

CONCLUSION

The Biscayne Gardens area can succeed financially as a new municipality, if the Ad Valorem rate is set at 4.0 mills as established in the MAC report completed in 2014. This millage rate, as well as other revenues, will generate sufficient funds to pay for operating expenditures and result in a comfortable surplus, which would be available for contingencies.

The conclusion is also based on the establishment of a “no frills” budget that provides the current level of service received by the Property Owners from Miami-Dade County. The budget does not consider increases in services.

It is possible that the millage rate can be set at a slightly lower rate, if the elected officials so decide. However, this action will reduce the surplus and resulting contingency amount. The officials must be cautious to insure that the new municipality does not incur financial difficulties.

BISCAYNE GARDENS MUNICIPAL ADVISORY COMMITTEE IMPACT TO UMSA

Based on FY 2020-21 Budget	Assumptions	
Property Tax Revenue	Allocation based on tax roll & millage	\$2,167,147
Sales Tax	Allocation based on \$86.87 per person	\$3,026,247
Utility Taxes	Allocated based on tax roll/population	\$2,097,862
Communications Tax	Allocated based on tax roll/population	\$521,849
Alcoholic Beverage License	Allocation based on \$0.14 per person	\$4,884
Business Tax	Allocation based on \$3.18 per person	\$110,681
Interest	Allocation based on .305% of total revenue	\$21,090
Sheriff and Police Fees	Allocation based on population	\$73,980
Administrative Reimbursement	Allocated based on tax roll/population	\$316,582
Cash Carryover	Allocated based on tax roll/population	\$426,815
Miscellaneous Revenues	Allocation based on \$31.11 per person	\$1,084,068
Revenue to UMSA		\$9,851,206
Cost of Providing UMSA Services		
Police Department UMSA Police Budget (without specialized)		\$10,125,357
Parks, Recreation and Open Spaces Dept.	Based on cost of parks	\$1,094,100
Right-of-Way Maintenance Centerline Miles	Centerline miles times cost per lane mile	\$180,954
Policy Formulation Commission, Mayor, County Attorney	Direct Cost multiplied by 2.77%	\$315,791
Internal Support Information Technology, Internal Services, Human Resources Communications, Audit and Management, Management and Budget	Direct Cost multiplied by 4.66%	\$531,259
Planning and Non-Departmental Regulatory and Economic Resources, Rec. and Culture, Economic Development, Neighborhood Infrastructure	Direct Cost multiplied by 4.4%	\$501,618
Cost of Providing UMSA Services		\$12,749,079
Net to UMSA		(\$2,897,872)
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.		
2020 Taxable Property Rolls		\$1,183,015,005
2020 Area Population		34,836
2020 UMSA Population		1,213,928
2020-21 UMSA Millage		1.9283
Patrollable Sq. Miles - UMSA		207.90
Total Calls For Service - UMSA CY 2019		642,151
Part 1 Crimes - UMSA 2019		37,605
Part 2 Crimes - UMSA 2019		15,821
Patrollable Sq. Miles - Study Area		5.00
Total Calls for Service - Study Area		18,600
Part 1 Crimes - Study Area		1,556
Part 2 Crimes - Study Area		550
Cost per Centerline Mile		\$2,144
Number of Centerline Miles		84.4
Per Capita Taxable Value		\$33,959.55



Date: September 30, 2020

To: Chairman Wayne Rinehart and Members
Planning Advisory Board

From: Jorge M. Fernandez, Jr. 
Program Coordinator, Office of Management and Budget

Subject: Biscayne Gardens Municipal Advisory Committee Incorporation

Background

The Biscayne Gardens Municipal Advisory Committee (BGMAC) is a group of area residents appointed by the Board of County Commissioners (Board), originally created by Resolution No. R-974-03 (adopted September 9, 2003), then created by Ordinance No. 04-142 (adopted on July 27, 2004) and extended under Ordinance No. 15-33 (adopted on May 5, 2015), to evaluate the possibility of forming a new municipality in the area. The area is generally bound by the City of North Miami Beach on the North and East, by the City of North Miami on the East and South, by the City of Opa Locka on the West and by the City of Miami Gardens on the Northwest (**see Exhibit 1**). The proposed municipal boundaries only include unincorporated areas within County Commission District 2. With the support of County staff, the group initially met for three years prior to the Board-adopted moratorium on annexations and incorporations through Resolution No. R-1051-05. On March 12, 2012, the Board lifted the moratorium on incorporations when it adopted Ordinance No. 12-24. Subsequently, the MAC reconvened to complete its charge of assessing the fiscal feasibility and desirability to incorporate the area into a municipality.

On September 23, 2014, the BGMAC adopted a Revenue and Expenditure Analysis Final Report (**see Exhibit 2**), which includes the pro-forma budget for the proposed municipality. As required by Board Resolution No. R-130-05, an independent consultant reviewed the BGMAC pro-forma budget and concluded that the area is financially viable as a municipality if the ad valorem rate of the new municipality is set at 4.0 mills as established in the BGMAC adopted budget (**see Exhibit 3**). Public hearings were held on December 7, 2004, October 15, 2014, and March 29, 2016, where the BGMAC considered input from the community. On April 13, 2016, the BGMAC adopted a resolution (**see Exhibit 4**) requesting the Board allow the incorporation effort to move forward and allow the area residents to vote on the creation of a new municipality.

Should the area incorporate into a new municipality, the Miami-Dade County Code (Code) requires that the new municipality remain in the Miami-Dade Fire-Rescue (MDFR) District, the Miami-Dade Public Library System, the County's Solid Waste (DSWM) collection system and continue to receive and pay for specialized law enforcement services from the Miami-Dade Police Department (MDPD) in perpetuity 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 Comprehensive Development Master Plan (CDMP) applications or zoning applications within this area, as required by section 20-26(h) of the Code. The Conceptual Agreement between the County and the BGMAC (**see Exhibit 5**) addresses these issues and establishes the terms under which the area could proceed with incorporation.

On September 4, 2019, the Board adopted Resolution No. R-966-19 referring the BGMAC incorporation proposal and related Report to the Planning Advisory Board (PAB) to conduct a public hearing in the community and provide the Board with a recommendation.

At the conclusion of the PAB public hearing, the PAB will provide the Board a recommendation on the BGMAC incorporation effort. After receiving a recommendation from the PAB, the County Mayor will provide a recommendation to the Board. The Board will consider the BGMAC incorporation effort at a

public hearing and will determine if the incorporation effort will move forward to a vote of the electorate in the BGMAC area.

Pursuant to section 20-6 of the Code, the Office of Management & Budget (OMB) submits this report for your review and recommendation. The information provided in this staff report includes the latest information available at the time of the report.

Summary of Issues for Consideration Identified by Departments:

1. The new municipality will be required to contract with the County for drainage system maintenance activities within the incorporation area.
2. The County will retain jurisdiction over all water and sewer pump stations in the incorporation area.
3. The County will maintain regulatory control over land use for facilities of Countywide Significance, as well as development and service delivery for such facilities.
4. In order to maintain consistency with the County's adopted future CDMP land uses, the proposed municipality needs to adopt a Comprehensive Plan with land use districts that are equivalent to Miami-Dade County's CDMP land use designations, and zoning districts that do not conflict with existing zoning regulations.
5. The County will not retain jurisdiction of any of the three parks within the incorporation area. Oak Grove Park, Biscayne Gardens Park, and Jeb Estates Park will be transferred to the new municipality. The operating cost at the Oak Grove Park increased substantially after the Father Gerard Jean Juste Community Center was developed, subsequent to the BGMAC September 23, 2014 Revenue and Expenditure Analysis Final Report.
6. The City of North Miami filed a boundary change application consisting of a portion of the proposed incorporation area, 0.008 square miles (5.2 acres).

Incorporation Guidelines

The following analysis addresses the factors required for consideration by the Board and PAB, pursuant to chapter 20 of the Code:

Summary of Petition

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

- *To increase and improve the level of public safety;*
- *to improve local parks and recreation services;*
- *to improve public area maintenance;*
- *to improve other basic public services;*
- *to improve the process and participation in development regulation; and*
- *to provide for enhanced public participation in local government.*

Demographic Profile of the Area

The total population within the proposed incorporation area is estimated at 34,836. As seen on the table below, approximately 20 percent of the area residents are Hispanic, 69 percent are Black-Not Hispanic, and 7.2 percent are White-Not Hispanic. The median household income in the area is \$44,094, and the per capita income is \$17,012. There are approximately 10,071 housing units in the incorporation area.

2014-2018 Socioeconomic Profile for Biscayne Gardens MAC					
Population:			Income:		
Female	17,189	49.3%	Median Household Income	\$44,094	
Male	17,647	50.7%	Per Capita Income	\$17,012	
In Households	34,282	98.4%	Median Home Value	\$197,100	
In Group Quarters	554	1.6%			
Age:			Households:		
Under 5 Years	2,789	8.0%	with Children under 18 years	9,175	100%
5 to 17	5,455	15.7%	no Children under 18 years	3,730	40.7%
18 to 24 Years	3,520	10.1%	1-person household	5,445	59.3%
25 to 44 Years	10,600	30.4%	2-person household	2,110	23.0%
45 to 64 Years	7,779	22.3%	3-person household	2,056	22.4%
65 of more years	4,693	13.5%	4-or-more-person household	1,895	20.7%
Median Age	34.0			3,114	33.9%
Race:			Housing:		
Hispanic	6,797	19.5%	Housing Units	10,071	
White - Not Hispanic	2,509	7.2%	Housing Vacancy Rate	8.9%	
Black - Not Hispanic	24,046	69.0%			
Labor Force:			Poverty:		
Civ. Labor Force (% of Pop.)	17,647	63.9%	Number Living in Poverty	6,919	
Empl. (% of Pop.)	15,721	56.9%	Poverty Rate	20.1%	
Unemployment Rate	1,926	7.0%			
Data Source: US Census Bureau 2018 ACS 5-year Estimates, Dept. of Regulatory and Economic Resources Planning Research and Economic Analysis Section.					
Prepared by Miami-Dade County, Department of Regulatory and Economic Resources, Planning Research and Economic Analysis Section, March 2020.					

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

The proposed incorporation area is comprised of only one Census Designated Places: the Biscayne Gardens Census Designated Place.

2. Does the incorporation enhance contiguity and not create any unincorporated enclave area(s)? Pursuant to Chapter 20 of the Code, an unincorporated enclave area is defined as an area that would be surrounded on more than (80) percent of its boundary by one or more municipalities, and of a size that could not be serviced efficiently or effectively by the County.

The proposed incorporation area will not create an enclave. The Area is surrounded 100 percent by the City of North Miami Beach on the North and East, by the City of North Miami on the South and East, by the City of Opa Locka on the Southwest and by the City of Miami Gardens on the Northwest. (see attached Figure 1 on page 19).

3. Does the area have natural or built barrier as boundaries?

The boundaries of the proposed incorporation area generally follow built barriers, rights-of-way, and waterways. These serve as built and natural barriers that establish the proposed boundaries of the new municipality.

4. Does the area contain a mixture of residential and non-residential land uses?

The proposed incorporation area contains a mixture of land uses, including residential, commercial, institutional, office and transient residential, parks and recreation, and others.

The proposed incorporation area is approximately 5.03 square miles (3,216.14 acres) in size. The table below, lists the detailed major land use categories by number of acres and percentage of total. The two prominent land use categories in the incorporation area are Residential, and Transportation, Communication, and Utilities. Approximately 56 percent of the incorporation area consists of residential land uses and approximately 25 percent of the incorporation area consists of transportation, communication, and utilities land use. A map of the existing land uses within the proposed incorporation area is depicted on **Figure 2**, on **page 20** and a detailed list on **Figure 3**, on **page 21**.

Existing Land Uses - Details

Land Use	Description	Sum Acres	Percent of Total
Residential		1,796.27	55.85%
Commercial & Service		118.95	3.70%
Transient-Residential (Hotel-Motel)		1.95	0.06%
Industrial		8.53	0.27%
Institutional		143.24	4.45%
Parks and Recreational Open Space (Including Preserves and Conservation Areas)		113.68	3.53%
Transportation, Communication, and Utilities		811.55	25.23%
Undeveloped		95.76	2.98%
Inland Water		126.21	3.92%
TOTAL		3,216.14	100%

Source: Miami-Dade County, Department of Regulatory and Economic Resources, Planning Research & Economic Analysis Section, March 2020.

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

No adjacent unincorporated areas with a majority of ethnic minority or lower income residents have petitioned to be in the incorporation area.

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

The BGMAC area is compatible with existing land uses and zoning of the areas surrounding the proposed municipality.

The proposed incorporation area is predominantly made up of well-established single-family residential neighborhoods with multi-family pockets and commercial zoning mostly along the major corridors. Most of these neighborhoods are comprised of low-density single-family homes zoned RU-1 and RU-TH, as well as duplex properties zoned RU-2. There are also some estate communities zoned EU-S and EU-M. Higher density residential uses are also found throughout the proposed incorporation area. These include areas zoned RU-3, RU-3M, RU4L, RU-4M, RU-4 and RU-4A, and RU-5A. (see **Figure 4: Zoning Map** on **page 23**.)

In addition to the residential uses, there are pockets of industrial uses throughout the proposed incorporation area, which primarily include land zoned IU-1 and IU-2 (Industrial District).

The commercial uses in the proposed incorporation area represent small shopping centers, strip malls, retail, and office establishments zoned BU-1, BU-1A, BU-2, and some BU-3 zoning districts.

In order to determine compatibility with the County's land use and existing zoning regulations, as described above, the municipality must provide information regarding the proposed zoning district regulations that demonstrates how compatibility with the existing and planned uses will be maintained.

It is important to note that, in order to avoid the potential abrogation of property rights, the proposed municipality must ensure that upon incorporation, the zoning designations applied to the incorporation area properties do not conflict with their existing residential, industrial and commercial uses or zoning.

7. 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 proposed incorporation area is currently qualified to receive benefits as part of the County's overall program. The State is no longer providing any incentives for enterprise zones.

8. Will the incorporation impact public safety response times?

Fire and Rescue:

The proposed incorporation will not impact the MDRF Department service delivery and/or response time. Currently, the area is served as part of UMSA. If the incorporation is approved, fire protection and emergency medical services will continue to be provided by the County and will continue to be served by the same stations and resources within the Fire District in an efficient and effective manner.

Police:

The proposed incorporation will not impact police response times. In the event the incorporation application is successful, the service area for MDPD within UMSA will be reduced. The new municipality is required to contract with MDPD for local police services for three years, the minimum staffing the municipality will contract will not impact police response times in the Area.

9. Are there any barriers to municipal traffic circulation due to existing security taxing districts, walled communities and/or private roads?

There are no guard districts, private roads, or walled communities in the BGMAC area.

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

As shown in **Figure 5**, on **page 24**, a portion of the proposed incorporation area is located within the federally designated 100-year floodplain. This area will flood under sustained rains and property owners within it are required to obtain flood insurance.

As shown in **Figure 6**, on **page 25**, the central area of the proposed incorporation is within Storm Surge Planning Zone D, except for small areas on the east and western boundaries of the proposed incorporation that are within Zone E. These zones represent areas that could be affected by a storm surge of 1 ½ feet or higher during a hurricane, depending on the category of the storm, and are utilized to make evacuation decisions. As can be seen below, Zones A and B are at greatest risk for Category 1 and 2 storms and higher. Residents of the zones may be obligated to evacuate when hurricane warnings are issued.

- Zone A is at greatest risk for storm surge for Category 1 and higher storms.
- Zone B is at greatest risk for storm surge for Category 2 and higher storms.
- Zone C is at greatest risk for storm surge for Category 3 and higher storms.
- Zone D is at greatest risk for storm surge for Category 4 and higher storms.
- Zone E is at greatest risk for storm surge from Category 5 storms.

11. 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, North Miami and North Miami Beach, and the unincorporated area of the County. Within the proposed municipality, there are seven elementary schools, four middle schools, and two high schools. The schools serving the proposed incorporation area include:

Elementary Schools

1. Linda Lentin K-8 Center
2. Arch Creek Elementary School
3. Benjamin Franklin K-8 Center
4. Biscayne Gardens Elementary School
5. Oak Grove Elementary School
6. Natural Bridge Elementary School
7. Fulford Elementary School

Middle Schools

1. Linda Lentin K-8 Center
2. Benjamin Franklin K-8 Center
3. Thomas Jefferson Middle School
4. John F. Kennedy Middle School

High Schools

1. North Miami Senior High School
2. North Miami Beach Senior High School

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

As required by the Ordinance establishing the BGMAC, a total of three public hearings were held on December 7, 2004, October 15, 2014, and March 29, 2016 to discuss the proposed incorporation of the area. The BGMAC Board took into consideration the citizen comments at the public hearings and regularly scheduled BGMAC meetings when making their recommendation.

13. 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 \$31,125.15, which is lower than UMSA (\$68,324). 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, area and population to the proposed incorporation area are found below with their corresponding millage rates for fiscal year 2019-20:

Comparable Per Capita and Millage Rates

Area	Per Capita Taxable Value	Millage Rate
UMSA	\$68,324	1.9283
Hialeah Gardens	\$58,513	5.1613
Miami Gardens	\$43,363	6.9363
North Miami	\$52,010	7.5000
North Miami Beach	\$71,272	6.2000

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

Four municipalities border the boundaries of the BGMAC's proposed incorporation area: Miami Gardens, North Miami, North Miami Beach, and Opa Locka. The northern and eastern boundaries of the proposed incorporation area border the municipal boundary of North Miami Beach. The eastern and southern boundaries border the City of North Miami, while the southwestern and northwestern boundaries border the cities of Opa Locka and Miami Gardens, respectively.

Of these four municipalities, only the City of North Miami (City) has expressed interest in annexing, however, the area of interest to the City is only 0.008 square miles (5.2 acres), as identified in the boundary change application referred by the Board to the PAB for review on December 17, 2013. **Exhibit 6** depicts the area the City requested to annex, which is bounded on the north by NE 149th Street, on the east by NE 11th Avenue (including those unincorporated portions of NE 11th Court), on the south by NE 147th Street and on the west by NE 10th Court.

The PAB held a public hearing on December 15, 2014 and recommended the Board approve the annexation. However, the PAB did not take into consideration that the BGMAC was also studying the area as part of its incorporation effort.

15. Is the BGMAC 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 proposed incorporation area is located inside the 2020 UDB as depicted on the County's CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map.

Consistency with the CDMP

The properties within the proposed incorporation area represent a variety of land use designations. Specifically, the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map designates the land within the proposed incorporation area as follows:

- Estate Density Residential
- Low Density Residential
- Low-Medium Density Residential
- Medium-High Density Residential
- Office Residential
- Business and Office
- Industrial and Office
- Parks and Recreation
- Institutions, Utilities, and Communications
- Transportation

The following is a brief description of the CDMP land use categories.

The “Estate Density” is a residential category that allows detached estates with densities ranging from 1.0 to 2.5 dwelling units per gross acre.

The “Low Density” residential category allows densities ranging from 2.5 to 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing. It could include low-rise apartments, provided that the maximum gross density is not exceeded.

The “Low-Medium Density” category allows a density ranging from 6.0 to 13 dwelling units per gross acre. The types of housing typically found in this category include single-family homes, townhouses and low-rise apartments.

The “Medium-High Density” category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings depends on the dimensions of the site, location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas.

The “Office Residential” category allows both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed.

The “Business and Office” CDMP land use category allows retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Light industrial uses are also permitted in the “Business and Office” category within an approved Employment Center. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities.

The “Industrial and Office” CDMP land use designation allows manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities are allowed, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers.

The “Parks and Recreation” land use category includes parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also included are golf courses and other parks of approximately 40 acres and larger which are significant community features, as well as neighborhood local parks smaller than 40 acres. Both governmentally and privately-owned lands may be designated for Parks and Recreation uses. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The siting and use of future parks and recreation areas shall be guided by the Recreation and Open Space, and Capital Improvements Elements, and by the goals, objectives and policies of the CDMP, and by the Miami-Dade County Parks and Open Space System Master Plan.

The “Institutions, Utilities and Communications” land use category allows the full range of institutions, communications and utilities. Offices are also allowed in this map category. Internally

integrated business areas smaller than 5 acres in size or up to 10 percent of the total floor area of an institutional, public facility or office use may also be approved in this map category. If the owner of land designated as Institutions, Utilities and Communications chooses to develop the land for a different use and no public agency intends to use the site for a public facility, the land may be developed for a use or a density comparable to and compatible with surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP especially Policies LU-4A and LU-4B.

The “Transportation” CDMP land use category includes roadways, rapid transit corridors, railways and major switching yards, and such major terminals as the County airports and the Miami-Dade Seaport.

The BGMAC Conceptual Agreement dated June 14, 2014 recognizes the CDMP land use designations of the proposed incorporation area properties and states that “the local government comprehensive plan adopted by the proposed municipality, pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade CDMP, as it may be amended from time to time.”

16. 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 UMSA budget. The Impact to UMSA analysis below estimates revenues and expenses for a particular area. The revenue and expense ratios are based on the FY 2019-20 budget. The assumptions in preparing the Impact to UMSA do not include: 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 below, the proposed incorporation area generates approximately \$9.6 million in UMSA revenue, and the County spends approximately \$13.02 million providing services to the area. The incorporation of the BGMAC area will have a positive impact on the remaining unincorporated area of approximately \$3.4 million.

Impact to Unincorporated Municipal Service Area – BGMAC

Based on FY 2019-20 Budget	Assumptions	
<i>Property Tax Revenue</i>	<i>Allocation based on tax roll & millage</i>	\$2,007,177
<i>Sales Tax</i>	<i>Allocation based on \$94.86 per person</i>	\$3,304,516
<i>Utility Taxes</i>	<i>Allocated based on tax roll/population</i>	\$2,059,557
<i>Communications Tax</i>	<i>Allocated based on tax roll/population</i>	\$592,174
<i>Alcoholic Beverage License</i>	<i>Allocation based on \$0.23 per person</i>	\$8,004
<i>Business Tax</i>	<i>Allocation based on \$1.08 per person</i>	\$37,720
<i>Interest</i>	<i>Allocation based on .795% of total revenue</i>	\$47,451
<i>Sheriff and Police Fees</i>	<i>Allocation based on population</i>	\$98,956
<i>Administrative Reimbursement</i>	<i>Allocation based on tax roll/ population</i>	\$364,363
<i>Cash Carryover</i>	<i>Allocation based on tax roll/ population</i>	\$1,065,359
<i>Miscellaneous Revenues</i>	<i>Allocation based on \$0.55 per person</i>	\$19,151
Revenue to UMSA		\$9,604,427
Cost of Providing UMSA Services		
Police Department UMSA Police Budget (without specialized)		\$9,708,520.73
Parks, Recreation and Open Spaces Dept.	Based on cost of parks	\$1,094,100
Right-of-Way Maintenance Centerline Miles	Centerline miles times cost per lane mile	\$324,011
Policy Formulation Commission, Mayor, County Attorney	Direct Cost multiplied by 2.67%	\$297,081
Internal Support Information Technology, Internal Services, Human Resources Communications, Audit and Management, Management and Budget	Direct Cost multiplied by 4.65%	\$517,388
Planning and Non-Departmental Regulatory and Economic Resources, Rec. and Culture, Economic Development, Neighborhood Infrastructure	Direct Cost multiplied by 7.8%	\$867,877
QNIP Debt Service Payment	Utility Taxes as a % of debt service 10.7%	\$220,373
Cost of Providing UMSA Services		\$13,029,352
Net to UMSA		(\$3,424,924)
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.		
2019 Taxable Property Rolls		\$1,084,275,851
2019 Area Population		34,836
2019 UMSA Population		1,196,921
2019-20 UMSA Millage		1.9283
Patrollable Sq. Miles - UMSA		207.90
Total Calls For Service - UMSA CY 2018		625,021
Part 1 Crimes - UMSA 2018		36,864
Part 2 Crimes - UMSA 2018		16,639
Patrollable Sq. Miles - Study Area		5.00
Total Calls for Service - Study Area		18,600
Part 1 Crimes - Study Area		1556
Part 2 Crimes - Study Area		550
Cost per Centerline Mile		\$3,839
Number of Centerline Miles		84.4
Per Capita Taxable Value		\$31,125.15

17. Does the per capita taxable value in the BGMAC area fall between \$20,000 and \$48,000?

Yes, the per capita taxable value in proposed incorporation's area is \$31,125, however the unincorporated area per capita taxable value is \$68,324.

18. 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 proposed municipality. The local parks in the area will be conveyed to the proposed municipality. All local roads will be conveyed to the proposed municipality.

19. Will the BGMAC 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. Additionally, the area will remain within the County's Solid Waste District.

20. Will the BGMAC area contract with the County for other municipal services?

As a condition of incorporation, the BGMAC area will be required to contract with the Miami-Dade Police Department for a minimum of three years for local patrol services. The future municipality could contract with the County for other services.

21. Does the BGMAC area contain any community redevelopment agencies?

There are no community redevelopment agencies with the BGMAC boundaries.

SERVICE IMPACT / DEMAND

Community Action and Human Services Department (CAHSD):

CAHSD retains no sites or tenancies within the proposed incorporation area. As a result, the creation of a new municipality within the BGMAC poses no significant disruption or concerns to CAHSD.

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.

Service Calls for the Last Three Calendar Years

	2016	2017	2018
Life Threatening Emergencies			
Number of Alarms	3,278	2,904	2,772
Average Response Time	7:16	7:18	7:20
Structure Fires			
Number of Alarms	64	72	65
Average Response Time	4:58	4:44	4:38

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.

Existing Service

Fire Station	Address	Equipment	Staff
32	358 NE 168 th Street	Rescue, Engine	7
31	17050 NE 19 th Avenue	Rescue, Aerial	7
22	15655 Biscayne Boulevard	Recue, Aerial	7
20	13000 NE 16 th Avenue	Recue, Engine & Battalion	8
18	13810 NE 5 th Avenue (Temp.)	Rescue	3
19	650 NW 131 st Street	Rescue, Aerial	7
54	15250 NW 27 th Avenue	Rescue, Engine	7

MDFR has no new planned station in the vicinity of the incorporation area. If the incorporation is approved, fire protection and emergency medical services will continue to be provided by MDFR served by the same stations and resources.

Miami-Dade Police:

The MDPD currently patrols approximately 207.90 square miles in UMSA, including 5.1 square miles within the proposed incorporation area. The proposed incorporation area is located within the Miami-Dade Police Department Intracoastal District. Statistical information was extracted from the Crime Data Warehouse database. The Calls-For-Service in the incorporation area for 2016, 2017, and 2018, include emergency, priority and routine police calls. In the event the incorporation is successful, the UMSA service area will be reduced.

Calls For Service – BGMAC Area

Year	Criteria	Routine Calls	Code 3 Emergency Calls	Code 2 Emergency/Priority Calls	All Calls
2018	Total Calls	15,919	1,523	1,158	18,600
2017	Total Calls	18,118	1,605	1,276	20,999
2016	Total Calls	17,611	1,511	1,375	20,497

Part I and Part II Crimes – BGMAC Area

Year	Part I Crimes	Part II Crimes	Total
2018	1,556	550	2,106
2017	1,696	652	2,348
2016	1,585	548	2,133

Definition of Code 2 Emergency: A situation which poses a potential threat of serious injury or loss of human life which may require swift police action; e.g., assault, robbery, or burglary of an occupied structure in progress; hazardous chemical spill; toxic gas leak; serious motor vehicle crash in which the extent of injuries is unknown; etc.

Definition of Code 3 Emergency: A situation or sudden occurrence which poses an actual threat of serious injury or loss of human life and which demands swift police action; e.g., seriously ill or injured person, shooting, sexual battery, etc.

Definition of Part I Crimes: Uniform Crime Report (UCR) Part I Offenses are those crimes reported to MDPD in the following classifications; murder and non-negligent manslaughter, robbery, aggravated assault, forcible rape, motor vehicle theft, larceny, burglary. The UCR is a standard method of reporting crime, administered by the Federal Bureau of Investigation through the UCR Program. The classification for the offense is based on a police investigation, as opposed to determinations made by a court, medical examiner, jury, or other judicial body.

Definition of Part II Crimes: All crimes not covered under Part I Crimes.

Department of Regulatory and Economic Resources (RER):

A description of the services provided by RER, information relating to chapter 24 of the Code, and assessment of environmental issues within the proposed BGMAC incorporation area are included below. Services provided by RER in the proposed area include but are not limited to:

1. Building Permits
2. Zoning Actions
3. Platting Actions (Land Subdivision)
4. Building Occupancies (Residential and Nonresidential)
5. Occupational Licenses

RER reviews applications for consistency with the requirements of the Code. The review includes but is not limited to the following:

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

The following is a description of the services that the new municipality will be required to assume.

National Flood Insurance Program (NFIP) Community Rating System

The NFIP is a program wherein the Federal Emergency Management Agency (FEMA) agrees to subsidize flood insurance policies for residents of a community, if the community agrees to enforce minimum flood protection standards. The Community Rating System (CRS) is a voluntary program for NFIP participating communities. The County participates in the CRS and currently maintains a Class 5 rating, which provides properties located within unincorporated Miami-Dade County a 25 percent premium discount within a Special Flood Hazard Area and a 10 percent premium discount within a non-Special Flood Hazard Area.

If incorporated, the Area would need to apply to FEMA to participate in the Community Rating System and be responsible for establishing and enforcing flood protection standards within the incorporated area.

Flood Protection

The Area is within Flood Zone X and Special Flood Hazard Area AE 7 as determined by FEMA Flood Insurance Rate Maps. If approved, the Area will assume flood plain management within the incorporated area.

Stormwater Management Master Plan

The County is divided into drainage basins, which are then modeled to determine what drainage is needed for each area, now and in the future. By planning for future drainage needs, the County can ensure that the level of flood protection provided to residents is maintained. Upon incorporation and exemption from the County Utility, stormwater master planning will become the responsibility of the Area.

Stormwater Utility (SWU) Program and Fees

Developed properties in the proposed incorporation area are currently paying stormwater utility fee to Miami-Dade County (County). In 1995, the Board adopted Ordinance 95-195, thereby granting municipalities the option to obtain an exemption from the County Utility, and in turn create a local stormwater utility. If the proposed municipality is created, the municipality will have the option to create its own stormwater utility, and seek an exemption from the County Utility. Until an exemption is granted, all stormwater utility fees collected in the Area will remain part of the County Utility, all revenue collected will remain County stormwater utility funds.

The Miami-Dade Water and Sewer Department and the Miami-Dade Stormwater Utility Section, currently bill and collect stormwater utility fees from properties in the Area. Upon incorporation and exemption from the County Utility, it will be the responsibility of the newly created municipality to collect these fees, either independently or through interlocal agreements with these County departments.

Interlocal Agreement for Stormwater Utility Bonds Debt Service Payments

The new municipality will remain part of the Miami-Dade Stormwater Utility until exemption. Should the new municipality create its own stormwater utility and be exempted from the Miami-Dade Stormwater Utility, it shall pay its pro-rata share of the debt service on the County's Stormwater Utility Revenue Refunding Bonds for the Area. Currently, the Area's Equivalent Residential Units (ERU) is approximately 15,255. The Area's debt service payment to the County attributable to the proposed incorporation area would be approximately \$161,000 annually, until 2029.

For such exemption, the new municipality shall enter into an Interlocal Agreement with the County for the costs of the bond debt service. Bond debt service payments to the County will initiate immediately upon exemption from the County Utility.

The following conditions are required as a part of the incorporation approval, upon exemption from the County Utility:

1. Interlocal Agreement for cost sharing the maintenance of County Secondary Canals
2. Interlocal Agreement for Stormwater Utility Bond Debt Service Payments

Interlocal Agreement for Maintenance of Secondary Canals

The County operates and maintains stormwater infrastructure including a network of County secondary canals. The County will retain ownership and jurisdiction of all secondary canals within the incorporated area. The Area, upon exemption from the County Utility, will be required to enter into an Interlocal Agreement to cost-share, in perpetuity, the maintenance of the secondary canal systems, which may include portions of open channels, slab-covered trenches, control structures, pump stations, and/or culverts that provide stormwater conveyance benefits to the area.

Portions of the following County secondary canals provide drainage services and flood protection benefit to the proposed incorporation area, and may be included in the stormwater management interlocal agreement:

- Spur #1 Canal
- Spur #4 Canal
- Biscayne Gardens Ditch

- NE 5 Avenue Ditch
- NW 5 Ave Ditch
- NE 6 Ave / 151 St Ditch
- NW 150 St Spur Biscayne Pump and Ditch
- Seaboard Acres NE 2 Ave Ditch
- Biscayne River Ditch

Actual costs and canals included will be determined at the time of exemption from the County Utility, and the new municipality will be billed annually for its cost-share of the canal maintenance.

Tree and Forest Program

The Area may establish and enforce its own tree and forest resources ordinance provided such ordinance is equivalent to or more stringent than the provisions set forth in the County's Tree and Forest Protection Standards, pursuant to section 24-2 of the Code. If the Area does not adopt its own tree and forest resources ordinance as permitted by chapter 24, DERM shall continue to enforce the provisions of chapter 24 related to tree preservation and protection, currently codified as Division 2 of Chapter 24, in the same way as in the unincorporated area.

Interlocal Agreement for National Pollutant Discharge Elimination System (NPDES)

NPDES is a nationwide permit program that has an objective of controlling pollution that is inherent in stormwater runoff. NPDES started as a federal program and has now been delegated to the State of Florida. Municipalities must apply to, and receive from, the State a permit that outlines best management programs designed to reduce the pollution in stormwater runoff. These stormwater management programs can consist of sampling programs, educational programs, street sweeping, drainage inspection and maintenance, and various other best management practices.

The County's NPDES Permit No. FLS000003 is a joint permit with 32 co-permittees, with the County as the lead agency. Because sampling of stormwater runoff is required, the County performs the sampling and all the parties to the permit cost-share the monitoring costs through an interlocal agreement. Co-permittees also cost-share NPDES required modeling and results. Upon exemption from the County Utility, the municipality will be required to contribute to the annual cost-share as a co-permittee. Additionally, the Area will be required to pay the NPDES Permit Surveillance fee.

Department of Solid Waste Management (DSWM):

DSWM currently provides waste collection services to 6,791 residential and commercial waste units located in the proposed incorporation area. In accordance with sections 20-25 and 15-013 of the Code, the County shall retain authority for residential garbage and refuse collection and disposal in all areas that incorporate after February 6, 1996, pursuant to Ordinance No. 96-30. In the event that nonresidential land or property located within the proposed incorporation area is developed or rezoned for residential units, DSWM will also provide collection and disposal services to those units.

Parks Recreation and Open Spaces (PROS):

The proposed incorporation will result in the conveyance of the following local community parks to the new municipality:

- Biscayne Gardens Park a passively developed park located at 15951 NW 2nd Avenue
- Jeb Estates Park a passively developed park located at 14520 NW 16th Court
- Oak Grove Park located at 690 NE 159th Street

In the Oak Grove Park, PROS operates afterschool and summer programming with no charge. These services will have to be assumed by the new municipality, if it wishes to continue to offer such afterschool and

summer programming. Funding for these programs is currently available through a grant from The Children's Fund.

Additionally, it is important to note that subsequent to the BGMAC September 23, 2014 Report, PROS developed the Father Gerard Jean Juste Community Center at the Oak Grove Park. The one-story 20,000 square foot Center includes an aquatic pool, a splash pad, restrooms, locker rooms, and showers. Building this Center significantly increased the park operating cost over \$1 million annually. This community center would be conveyed to the new municipality along with the park, upon incorporation.

Transportation and Public Works (DTPW):

There are approximately 84.4 centerline miles in the proposed incorporation area. Approximately 71.2 centerline miles will be transferred to the proposed municipality (the "Road Segments.") Notwithstanding any such transfer, the right and responsibility of all traffic engineering matters to regulate traffic and determine appropriate measures and install, maintain, modify or remove traffic control devices such as traffic signals, signs, and pavement markings, roundabouts or other traffic-calming devices within the municipality will remain with the County. In addition, the County shall retain control over all road closures. The County has jurisdiction over all traffic engineering matters within the County, including within municipalities, except for State road rights-of-way. The County has the authority to set the hours and days that construction by any County department or agency shall take place in, or on, any public street, with prior written notice to the City. The City shall not levy any fee or require a permit from any County department, agency or instrumentality for work within, beneath, or upon the Road Segments. The City will agree to accept all legal rights, responsibilities and obligations with respect to the Road Segments, including, but not limited to, the operation, maintenance, planning, design, and construction of the Road Segments except for the traffic engineering. The County will retain the following roads (approximately 13.2 centerline miles):

Roads to Remain Under County Purview

Street Name	From	To
NW 6 th Avenue	NW 151 st Street	NW 2 nd Avenue
NW 2 nd Avenue	NW 128 th Street	NW 151 st Street
NW 2 nd Avenue	NW 154 th Street	NW 167 th Street
N Miami Avenue	NW/NE 128 th Street	NW/NE 167 th Street
NE 2 nd Avenue	NE 159 th Street	NE 167 th Street
NE 10 th Avenue	NE 147 th Street	NE 151 st Street
NE 12 th Avenue	NE 143 rd Street	NE 151 st Street
NE 16 th Avenue	NE 143 rd Street	NE 151 st Street
S Biscayne River Drive	N Miami Avenue	NW 151 st Street
Memorial Highway	NE 135 th Street	NW 154 th Street
NW 143 rd Street	NW 7 th Avenue	N Miami Avenue
NW 151 st Street	NW 7 th Avenue	S Biscayne River Drive
NE 151 st Street	NE 10 th Avenue	NE 18 th Avenue
NW/NE 159 th Street	NW 6 th Avenue	NE 8 th Avenue

Water and Sewer Department (WASD):

The proposed incorporation area is within the North Miami Beach and the North Miami water service areas, approximately 90 percent and 10 percent respectively and the sewer service area is within WASD and North Miami sewer service area, 80 percent and 20 percent respectively. The wastewater flows for the incorporation area collected by WASD and North Miami will be transmitted to the North District Wastewater Treatment Plant for treatment and disposal. Request for future sewer service within the incorporation area shall be determined by the respective Utility providing the sewer service based on the adequacy and capacity of the sewer systems at the time of the proposed development.

The County will retain jurisdiction over the two pump stations within the proposed incorporation area: Pump Station No. 496 and No. 497.

Currently, there are no GOB projects under construction within the proposed incorporation area. The proposed incorporation will have no impact on WASD's ability to provide services to the remaining areas in the vicinity.

Facilities of Countywide Significance:

The County's policy regarding Facilities of Countywide Significance is to maintain regulatory control over land use and development for such facilities. Specifically, section 20-8.6 (c) of the Code, requires that the County retain jurisdiction of such facilities as a condition of incorporation. As stated in section 20-28.1 of the Code, the County shall not transfer operation, maintenance, or regulatory jurisdiction of such facilities to a municipality. Furthermore, adherence to this requirement is a condition of incorporation and shall be included in the municipal charter of such area.

The following County departments have notified the Office of Management and Budget (OMB) of the proposed facilities of countywide significance within the incorporation boundaries.

1. DSWM, has identified one facility of countywide significance located in the proposed incorporation area:

Golden Glades Trash & Recycling Center, located at 140 NW 160th Street

DSWM does not have any additional facilities or services planned for the proposed incorporation area or the immediate surrounding vicinity.

2. WASD has identified the following facilities:

WASD pump stations No. 496 (15 NE 166th Street), 497 (405 NE 166th Street).

Land Use Covenants - Declaration of Restrictions within the Incorporation Area.

The Board shall require, as a condition of incorporation, that the Board 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 CDMF applications or zoning applications, regardless of whether such declaration provides for modification or deletion by a successor governmental body. It is provided, however, that the Board may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion. If any such declaration of restrictive covenant is not brought to the Board, any action relating to the covenant by the municipality shall not be deemed final until the requirement of County approval is complied with. The identification of any declarations of restrictive covenants shall be the responsibility of each zoning applicant in the municipality.

c: Jennifer Moon, Deputy Mayor/ Director, Office of Management and Budget

Exhibit 1 - Map of BGMAC area

Exhibit 2 - BGMAC's Pro Forma Budget

Exhibit 3 - Consultant's Review of BGMAC Budget

Exhibit 4 - BGMAC's Resolution

Exhibit 5 - BGMAC's Conceptual Agreement

FIGURE 1

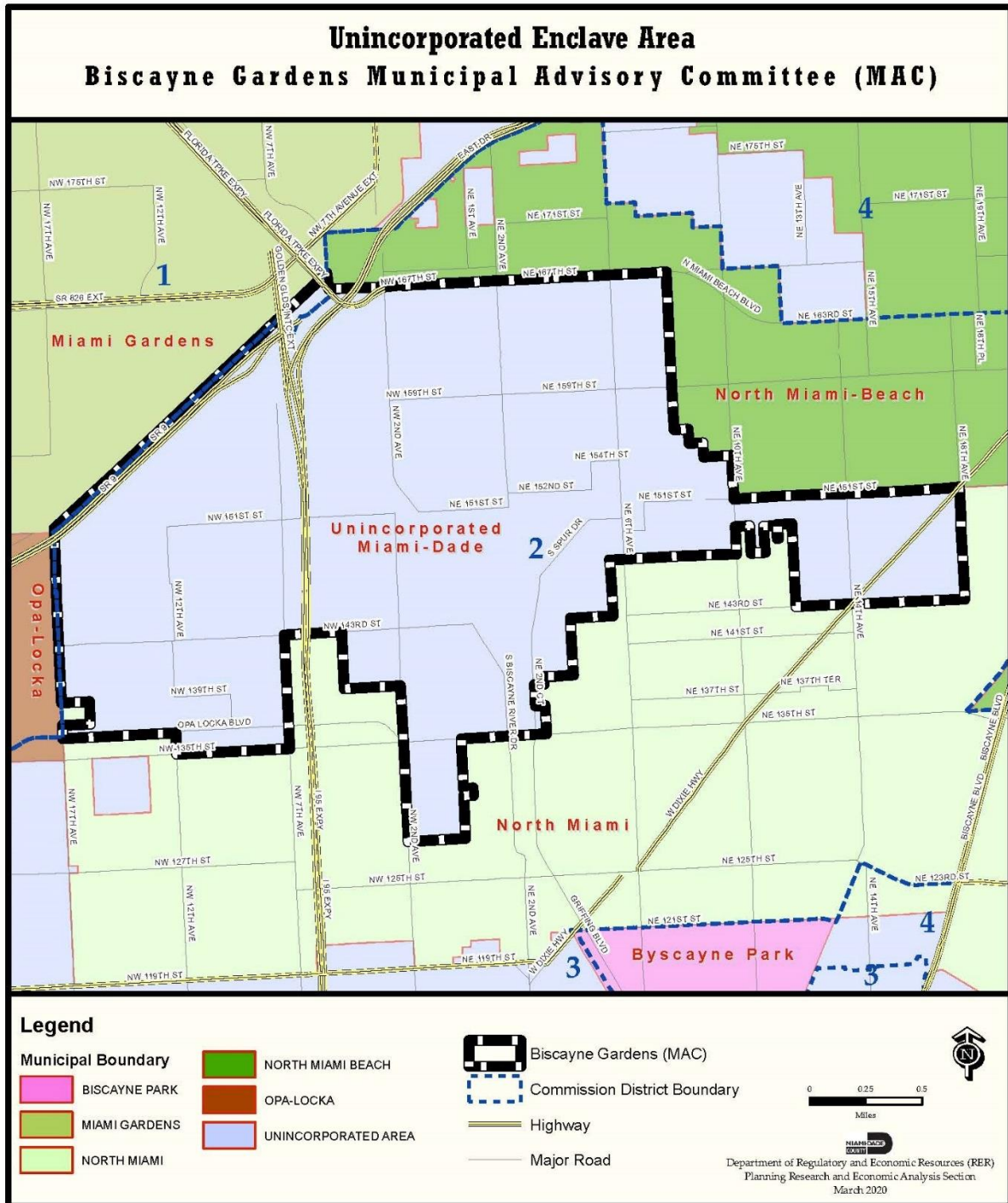


FIGURE 2

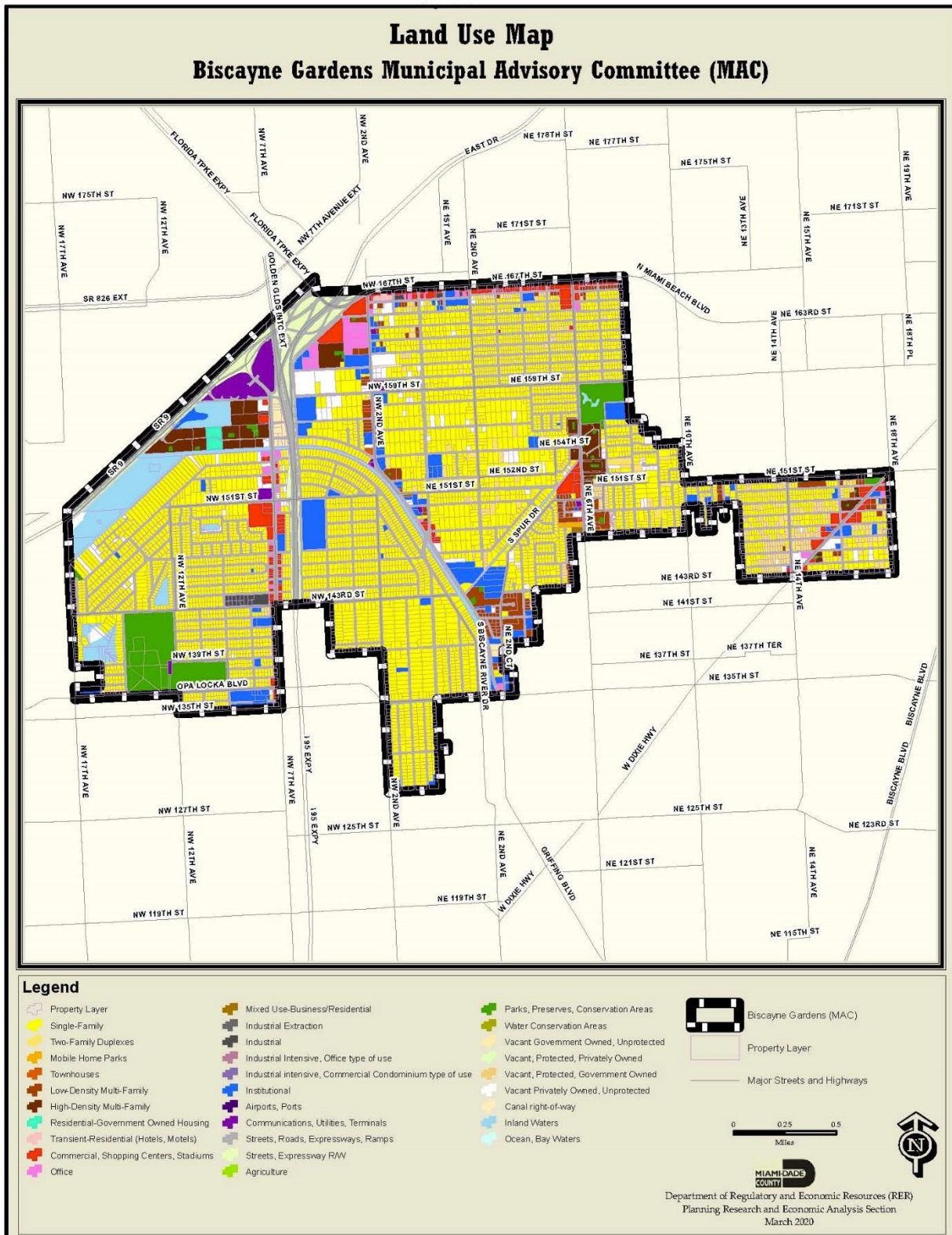


FIGURE 3

Land Use	Description	Sum Acres	Percent of Total
Residential		1,796.27	55.85%
10	Single-Family, Med.-Density (2-5 DU/Gross Acre).	1,090.79	60.73%
11	Single-Family, High Density (Over 5 DU/Gross Acre, other than Townhouses, Duplexes and Mobile Homes).	7.47	0.42%
12	Townhouses.	2.18	0.12%
13	Single-Family, Low-Density (Under 2 DU/Gross Acre).	438.97	24.44%
20	Two-Family (Duplexes).	98.59	5.49%
30	Multi-Family, Low-Density (Under 25 DU/Gross Acre).	76.99	4.29%
35	Multi-Family, High Density (Over 25 DU/Gross Acre).	72.24	4.02%
61	Mobile Home Parks and Permanent Mobile Homes.	3.77	0.21%
69	Residential MF-- government-owned or government subsidized multi-family residential or elderly housing	5.27	0.29%
Commercial & Service		118.95	3.70%
110	Sales and Services (Wholesale facilities, Spot commercial, strip commercial, neighborhood shopping centers/plazas). Excludes office facilities.	91.49	76.92%
113	Office Building.	26.12	21.96%
170	Office and/or Business and other services (ground level) / Residential (upper levels). Low-density < 15 dwellings per acre or 4 floors.	1.21	1.02%
180	Residential predominantly (condominium/ rental apartments with lower floors Office and/or Retail. High density > 15 dwelling units per ac, multi-story buildings (Generally more than 5 stories).	0.12	0.10%
Transient-Residential (Hotel-Motel)		1.95	0.06%
200	Transient-Residential (Hotel-Motel)	1.95	100.00%
Industrial		8.53	0.27%
320	Industrial Intensive, heavy-light manufacturing, and warehousing-storage type of use	8.23	96.40%
339	Industrial Extensive	0.31	3.60%
Land Use	Description	Sum Acres	Percent of Total
Institutional		143.24	4.45%
411	Public Schools, Including Playgrounds (K-12, Vocational Ed., Day Care and Child Nurseries).	34.34	23.97%
412	Private Schools, Including Playgrounds (K-12, Vocational Ed., Day Care and Child Nurseries).	16.72	11.67%
420	Cultural (auditoriums, convention centers, exhibition centers, museums, art galleries, libraries).	2.30	1.60%
430	Hospitals, clinics, medical offices and/or dental facilities	11.40	7.96%
435	Nursing homes, Assisted living facilities, and Adult congregate living quarters	15.92	11.11%
440	Houses of Worship and Religious, and associated uses (parking, retreat houses, residencies, childcare, etc.).	57.33	40.02%
450	Governmental/Public Administration (Other than Military or Penal).	0.42	0.29%
460	Penal and Correctional.	3.25	2.27%

Land Use	Description	Sum Acres	Percent of Total
470	Social Services, and Charitable institutions (Shrines, Elks, Moose, Lions Club).	1.57	1.10%
Parks and Recreational Open Space (Including Preserves and Conservation Areas)		113.68	3.53%
510	Municipal Operated Parks	0.00	0.00%
517	Private Recreational Facilities Associated with private Residential Developments, except marinas/yacht basins, includes landscape and open spaces associated to residential, commercial and office developments.	5.30	4.66%
518	Private Recreational Camps/Areas not associated with private Residential Developments (Boy Scout/Girl Scout Camps, Private Recreational Camps). Includes private tennis courts and pools that are part of the recreational complex.	0.00	0.00%
540	Cemeteries.	83.11	73.10%
550	County Operated Parks.	25.28	22.24%
Transportation, Communication, and Utilities		811.55	25.23%
620	Railroads - Terminals, Trackage, and Yards.	19.95	2.46%
630	Electric Power (Generator and Substation, and Service Yards).	2.39	0.29%
640	Streets and Roads, except Expressways and Private Drives.	618.28	76.19%
641	Paved Highways, Expressways and Ramps.	65.21	8.03%
642	Private Drives.	8.86	1.09%
645	Highways and Expressways right-of-way and associated open and landscaped areas excluding paved expressways and ramps.	47.12	5.81%
646	Street right-of-way and entrance features both public and private, and utility easements.	17.48	2.15%
650	Parking - Public and Private Garages and Lots.	17.53	2.16%
660	Solid Waste Disposal and Transfer (Includes Dumps, Solid Waste Land Fills, Resource Recovery Plants and Facilities, Trash Transfer Stations).	2.76	0.34%
670	Road Maintenance and Storage Yards, and Motor Pools.	11.97	1.47%
Undeveloped		95.76	2.98%
801	Vacant Government owned or controlled.	11.55	12.06%
804	Vacant, Non-Protected, Privately-Owned.	84.22	87.94%
Land Use	Description	Sum Acres	Percent of Total
Inland Water		126.21	3.92%
910	Rivers and Canals (Water)	37.48	29.70%
918	Inland water bodies (Lakes, Watercourses) associated with residential developments.	86.90	68.86%
920	Other inland water bodies (Lakes, Ponds, Watercourses other than rivers and canals), including road borrow pits.	1.82	1.44%
TOTAL		3,216.14	100%

Source: Miami-Dade County, Department of Regulatory and Economic Resources, Planning Research & Economic Analysis Section, March 2020.

FIGURE 4

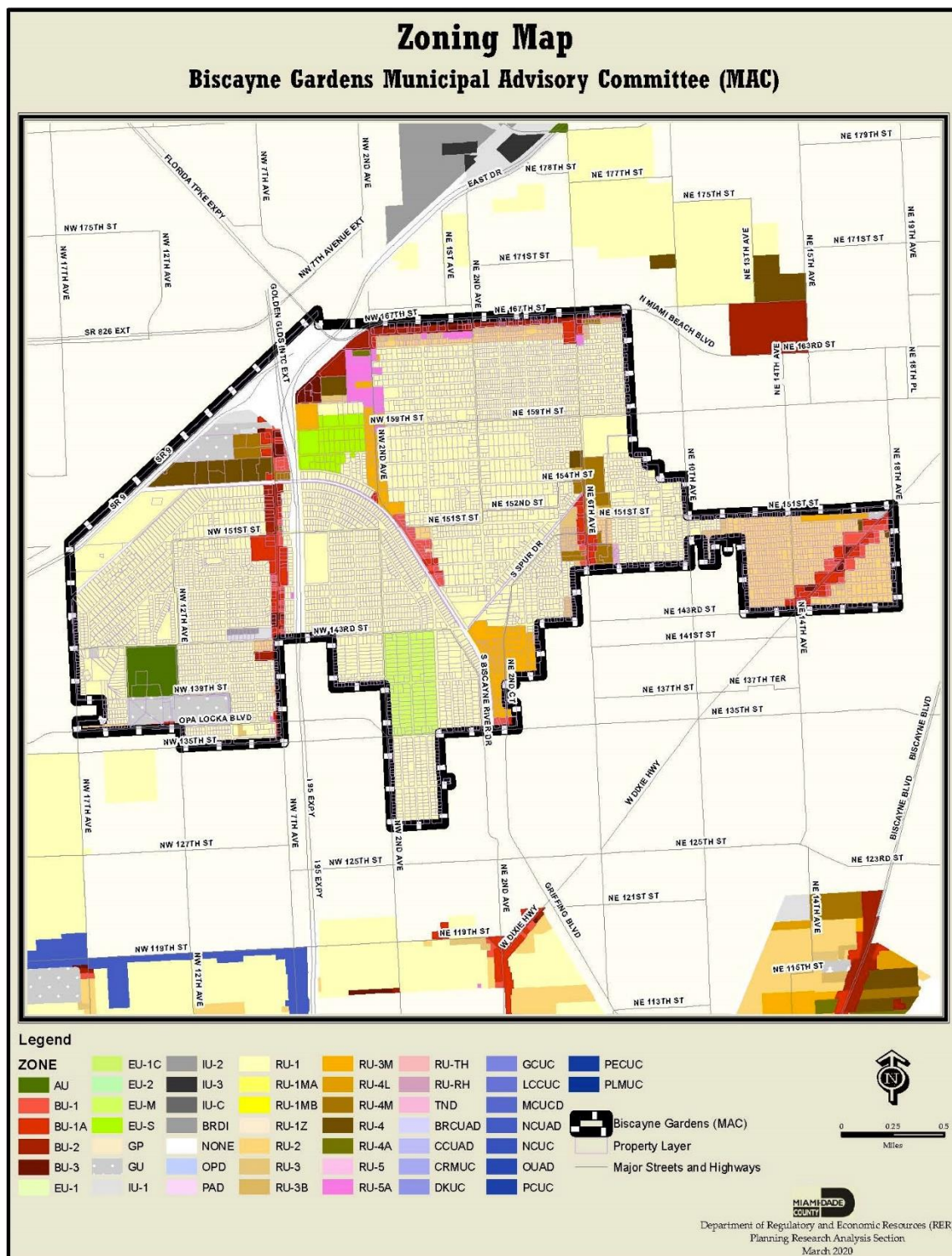


FIGURE 5

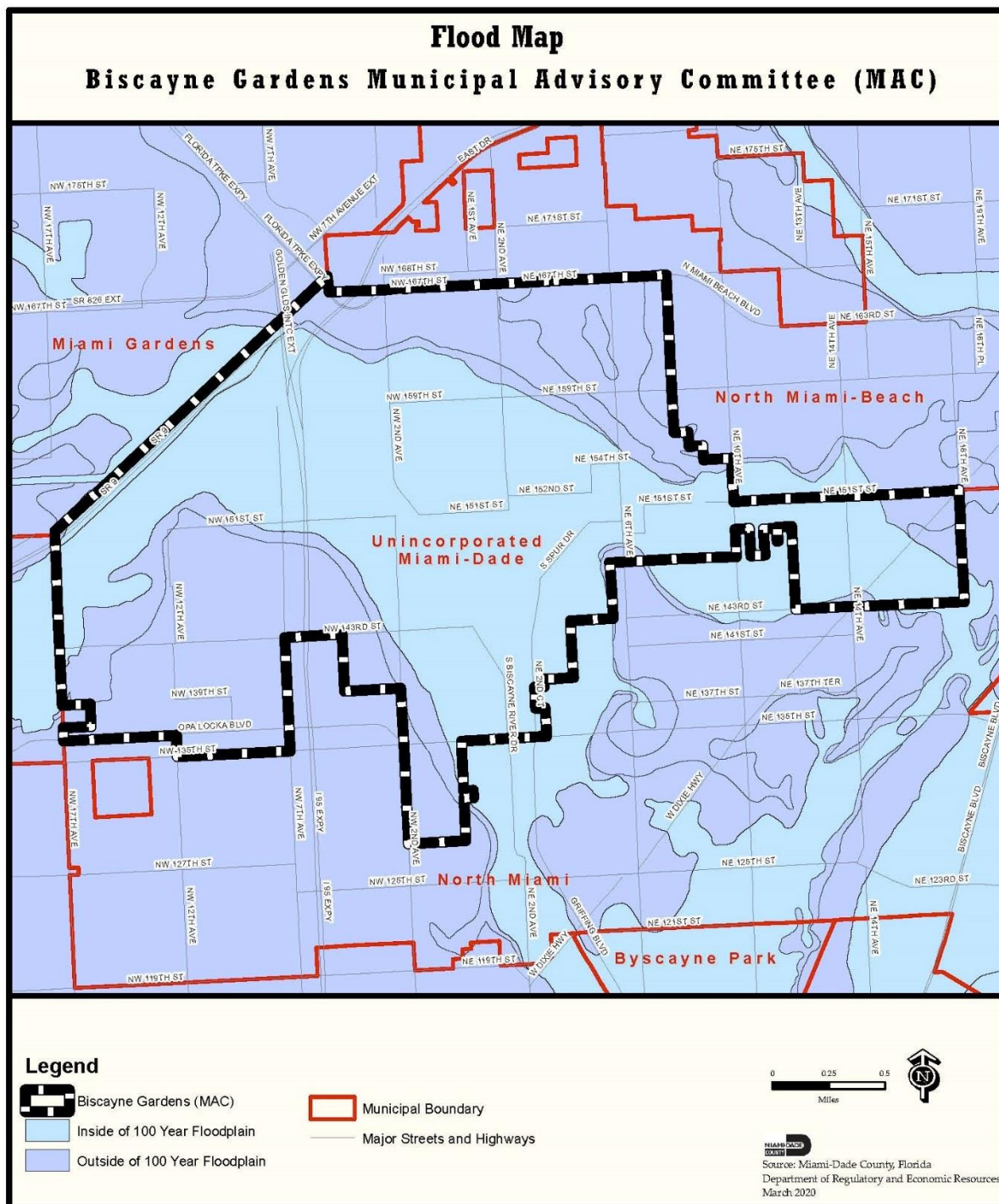
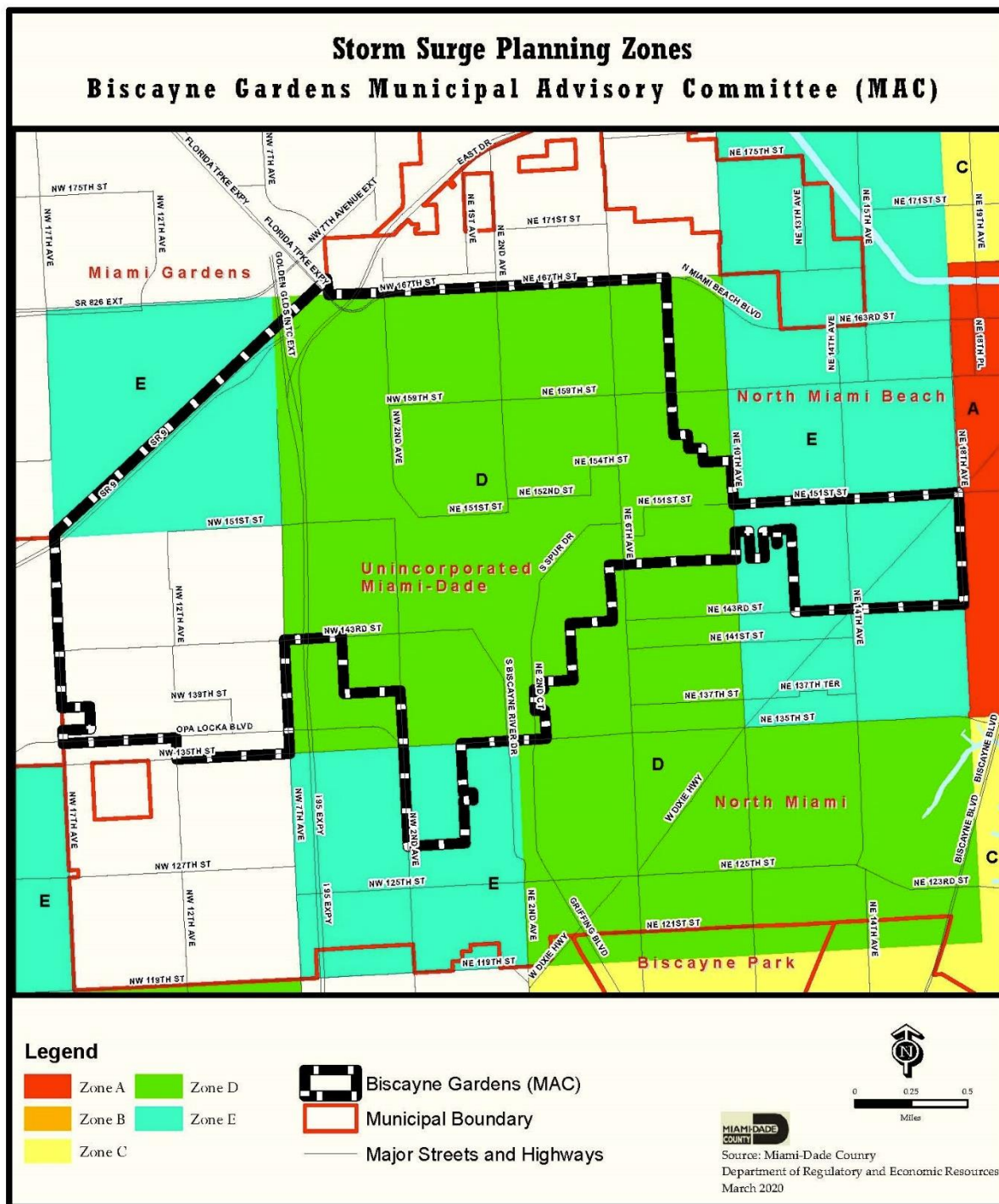


FIGURE 6





MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(FF)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(FF)
9-1-21

RESOLUTION NO. R-805-21

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA ON NOVEMBER 2, 2021, FOR THE PURPOSE OF SUBMITTING TO ELECTORS RESIDING WITHIN THE PROPOSED NEW MUNICIPALITY IN THE BISCAYNE GARDENS AREA OF UNINCORPORATED MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE BOARD OF COUNTY COMMISSIONERS SHOULD BE AUTHORIZED TO CREATE A NEW MUNICIPALITY, SUBJECT TO APPROVAL OF A MUNICIPAL CHARTER BY THE ELECTORS OF THE PROPOSED MUNICIPALITY, WITH THE FOLLOWING GENERAL OUTERMOST BOUNDARIES: NW 167 STREET TO THE NORTH, NE 18 AVENUE TO THE EAST, NW 128 STREET TO THE SOUTH, AND STATE ROAD 9/NW 17 AVENUE TO THE WEST; AND DESIGNATING WATER AND SEWER PUMP STATIONS, GOLDEN GLADES MULTI-MODAL FACILITY, AND GOLDEN GLADES TRASH AND RECYCLING CENTER AS FACILITIES 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 Biscayne Gardens area with the following outermost boundaries: NW 167th Street to the north; NE 18th Avenue to the east; NW 128th Street to the south, State Road 9/NW 17th Avenue to the west, and as is generally set forth in the map attached as Exhibit A and incorporated in this resolution; and

WHEREAS, the Board created the Biscayne Gardens Municipal Advisory Committee (MAC or BGMAC), 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 or BGMAC Report); the resolution and the MAC Report are attached to this resolution as Exhibits B and C, respectively, 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) 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; (c) 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; (d) 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; (e) agree that the Board will retain authority over any declaration of restrictive covenant or development agreements in place at the time of incorporation; and (f) agree that the County will retain regulatory jurisdiction over certain identified Areas 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 as shown in the PAB resolution that is attached as Exhibit D 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 also recommended that the Board designate as Areas or Facilities of Countywide Significance the Water and Sewer pump stations listed in the Mayor’s memorandum, the Golden Glades Multi-Modal Facility, and the Golden Glades Trash and Recycling Center, so that the County would continue to exercise regulatory control over said areas and facilities after incorporation; and

WHEREAS, the Mayor has also recommended that the new municipality be required to enter into an interlocal agreement with the County for stormwater maintenance, agree to adopt the County’s Workforce Housing Development Program as provided in Chapter 33 of the Code, and agree that the County retain jurisdiction over the NW 7th Avenue Community Redevelopment Agency; and

WHEREAS, all of these recommendations by the Mayor shall also constitute pre-agreed conditions to the incorporation of the proposed new municipality; 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 the foregoing recitals, representations, and required commitments, as referenced herein, of the proposed municipality will be included as pre-agreed 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 pre-agreed 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 in Miami-Dade County, Florida is described as follows:

A portion of Miami-Dade County, Florida, bounded on the North and East by the City of North Miami Beach, on the South by the City of North Miami, and on the West by the cities of Opa-Locka and Miami Gardens, being more particularly described as follows:

BEGIN at the SW corner of Section 14, Township 52 South, Range 41 East in Miami-Dade County, Florida; thence run North, along the West line of said Section 14 (*theoretical centerline of NW 17th Avenue*) for 80.56 feet, to the Northerly right-of-way line of the Tri-Rail right-of-way (*formerly the CSX railway right-of-way, formerly the Seaboard Airline Railroad right-of-way*) according to the Supplemental Warranty Deed recorded in Official Record Book 14491, beginning at Page 326 of the Public records of Miami-Dade County, Florida and particularly as said Northerly right-of-way line of Tri-Rail is described on pages 600, 601, 603, 604, and 612 of said Official Record Book 14491; thence run Northeasterly, along said Tri-Rail Northerly right-of-way line, to the Westerly boundary of the City of North Miami Beach which is the West line of the SE 1/4 of the SW 1/4 of Section 12, Township 52 South, Range 41 East; thence run South, crossing the right-of-way of the aforesaid Tri-Rail railroad, along said West line of the SE 1/4 of the SW 1/4 of Section 12, to the NW corner of the NE 1/4 of the NW 1/4 of Section 13, Township 52 South, Range 41 East; thence run East, along the North line of said Section 13, to the NE corner of said Section 13, this point also being the NW corner of Section 18, Township 52 South, Range 42 East; thence continue East, along the North line of said Section 18 being also the centerline of NE 167th Street, to the NE corner of the NW 1/4 of the NE 1/4 of said Section 18; thence run South, along the East line of the West 1/2 of the NE 1/4 of said Section 18 being also the centerline of NE 8th Avenue, to the NE corner of the NW 1/4 of the SE 1/4 of said Section 18; thence continue South, along the East line of the NW 1/4 of the SE 1/4 of said Section 18, to the SE corner of the North 1/2 of the SE 1/4 of the NW 1/4 of the SE 1/4 of said Section 18; thence run East, to the NE corner of the SW 1/4 of the SW 1/4 of the NE 1/4 of the SE 1/4 of said Section 18; thence run South, to the SE corner of the said SW 1/4 of the SW 1/4 of the NE 1/4 of the SE 1/4 of said Section 18; thence run East, to the NE corner of the NE 1/4 of the NW 1/4 of the SE 1/4 of the SE 1/4 of said Section 18; thence run South, to the SE corner of the said NE 1/4 of the NW 1/4 of the SE 1/4 of the SE 1/4 of said Section 18; thence run East, to the NE corner of the South 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 18; thence run South, to the SE corner of said Section 18, this point also being the NW corner of Section 20, Township 52 South, Range 42 East; thence run East, along the North line of said Section 20 being also the centerline of NE 151th Street, to the NE corner of said Section 20; thence run South, along the East line of said Section 20 being also the centerline of NE 18th Avenue, to the SE corner of the NE 1/4 of said Section 20; thence run West, along the South line of the NE 1/4 of Section 20 being also the centerline of NE 143rd Street, to the East line of the West 1/2 of the NW 1/4 of said Section 20; thence run North, along said East line of West 1/2 of the NW 1/4 being also the centerline of NE 12th Avenue, to the NE

corner of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run West, along the North line of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20, to the NW corner of the East 1/2 feet of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run South, along the West line of the East 1/2 of the SE 1/4 of the NW 1/4 of the NW 1/4, to the North line of South 1/2 of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run West, along the North line of South 1/2 of the SE 1/4 of the NW 1/4 of the NW 1/4, to a line that is parallel to and 25 feet West of the West line of the East 1/2 of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run North, along a line parallel to and 25 feet West of the West line of the East 1/2 of the SE 1/4 of the NW 1/4 of the NW 1/4, to the South line of the North 25 feet of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20, thence run West, along the South line of the North 25 feet of SE 1/4 of the NW 1/4 of the NW 1/4, to the West line of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run South, along the West line of the SE 1/4 of the NW 1/4 of the NW 1/4, to the SW corner of the SE 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run West, along the South line of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 20, to the SE corner of the West 1/2 of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run North, along the East line of the West 1/2 SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 20, to the North line of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run West, along the North line of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 20, to the NW corner of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 20; thence run South, along the West line of Section 20 being also the centerline of NE 10th Avenue, to the North line of the South 1/2 of the North 1/2 of Section 19 Township 52 South, Range 42 East; thence run West, along said North line of the South 1/2 of the North 1/2 of Section 19 being also the centerline of NE 147th Street, to the East line of the West 1/2 of the East 1/2 of the SE 1/4 of the NW 1/4 of said Section 19; thence run South, along said East line of the West 1/2 of the East 1/2 of the SE 1/4 of the NW 1/4, to the South line of the NW 1/4 of said Section 19; thence run West, along the South line of the NW 1/4, to the SW corner of the SE 1/4 of NW 1/4 of said Section 19; thence run South, along the East line of the NW 1/4 of the SW 1/4 to the NE corner of the SW 1/4 of the SW 1/4 of said Section 19; thence run West, along the North line of the SW 1/4 of the SW 1/4 to the NE corner of the NW 1/4 of the SW 1/4 of the SW 1/4 of said Section 19; thence run South, along the East line of NW 1/4 of the SW 1/4 of the SW 1/4, to the North line of South 1/2 of the North 1/2 of the NW 1/4 of the SW 1/4 of the SW 1/4 of said Section 19; thence run West, along the North line of South 1/2 of the North 1/2 of the NW 1/4 of the SW 1/4 of the SW 1/4, to the centerline of NE 2nd Avenue (known as NE 2nd Court) as shown and delineated upon Deed Book 1952, Page 509 of the Public Records of Miami-Dade County Florida, (Ordinance No. 08-69 by the Board of County Commissioners of Miami-Dade County Florida); thence run South, along the aforementioned centerline of NE 2nd Avenue, to the South line of the NW 1/4 of the SW 1/4 of the SW 1/4 of said Section 19; thence run East, along the South line of the NW 1/4 of the SW 1/4 of the SW 1/4, to the SE corner thereof; thence run South, along the East line of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 19, to the South line of said Section 19; thence run West, along the South line of Section 19 being also the centerline of NE 135th Street, to the SW corner thereof; thence continue West, along the North line of Section 25 Township 52 South, Range 41 East, to the NW corner of the NE 1/4 of the NE 1/4 of said Section 25; thence run South, along the West line of the NE 1/4 of the NE 1/4 being also the centerline of North Miami Avenue, to a line that is 170 feet North of the North line of the SE 1/4 of the NE 1/4 of said Section 25; thence run East, along said line 170 feet North of the North line of the SE 1/4 of the

NE 1/4 for a distance of 225 feet; thence run South for a distance of 170 feet, to the North line of the SE 1/4 of the NE 1/4 of said Section 25; thence run West, along the North line of the SE 1/4 of the NE 1/4 for a distance of 225 feet, to the NW corner of said SE 1/4 of the NE 1/4 of said Section 25; thence run South, along the West line of the SE 1/4 of the NE 1/4, to a line that is parallel to and 330 feet North of the South line of the NE 1/4 of Section 25; thence run West, along said parallel line, to the West line of the NE 1/4 of said Section 25; thence run North, along the West line of the NE 1/4 being also the centerline of NW 2nd Avenue, to the NW corner of said NE 1/4 of Section 25; thence continue North, along the West line of the SW 1/4 of the SE 1/4 of Section 24 Township 52 South, Range 41 East, to the NW corner of said SW 1/4 of the SE 1/4 of Section 24; thence run West, along the South line of the NE 1/4 of the SW 1/4 of said Section 24, to the SW corner thereof; thence run North, along the West line of the NE 1/4 of the SW 1/4 of said Section 24, to the NW corner thereof; thence run West, along the South line of the SW 1/4 of the NW 1/4, to the SW corner thereof; thence run South, along the East line of the SE 1/4 of Section 23 Township 52 South, Range 41 East, to the SE corner thereof; thence run West, along the South line of said SE 1/4 of Section 23 being also the centerline of NW 135th Street, to the SW corner thereof; thence run North, along the West line of the SE 1/4 of said Section 23, to the intersection with South Right of Way line of Opa-Locka Boulevard/State Road 916; thence run West, along said South Right of Way line of Opa-Locka Boulevard, to the Easterly boundary limit of the City of Opa-Locka, also being the West line of said Section 23; thence run North, along said West line of Section 23 being also the centerline of NW 17 Avenue, to the SW corner of Section 14, said point also being the **POINT OF BEGINNING**.

LESS AND EXCEPT

The North 528 feet of the NW 1/4 of the SW 1/4 of the SW 1/4, of Section 23, Township 52 South, Range 41 East, Miami-Dade County, Florida.

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 on November 2, 2021, for the purpose of submitting to the qualified electors residing within the boundaries of the proposed new municipality in the Biscayne Gardens area, 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 Biscayne Gardens area pursuant to section 6.05 of the Charter.

Section 5. The special election is called in reliance upon the representations of the Biscayne Gardens Municipal Advisory Committee contained in the MAC Report, as well as agreement to all 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.

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, as set forth herein, voting upon the proposal. The polls shall be open 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 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 until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws.

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

NEW MUNICIPALITY IN BISCAYNE GARDENS

SHALL THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS BE AUTHORIZED TO CREATE A NEW MUNICIPALITY, SUBJECT TO APPROVAL OF A MUNICIPAL CHARTER BY THE ELECTORS OF THE PROPOSED MUNICIPALITY, IN THE BISCAYNE GARDENS AREA WITH THE FOLLOWING OUTERMOST BOUNDARIES:

NORTHERN BOUNDARY: NW 167th Street

EASTERN BOUNDARY: NE 18th Avenue

SOUTHERN BOUNDARY: NW 128th Street

WESTERN BOUNDARY: State Road 9/NW 17 Avenue

YES ☐

NO

☐

Section 9. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 10. Vote by mail ballots may be used by qualified electors residing within the boundaries of a proposed new municipality in the Biscayne Gardens area 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 general election laws.

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.

Section 12. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, 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. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of 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.

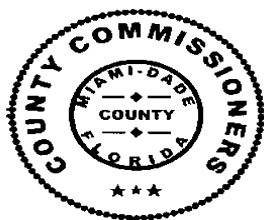
Section 14. Having made the findings set forth in section 20-28.1(1)-(3) of the Code, this Board hereby designates as Areas or Facilities of Countywide Significance pursuant to sections 20-8.6 and 20-28.1 of the Code: the Golden Glades Trash & Recycling Center located to

19 NW 160th Street; WASD pump station No. 496 located at 15 NE 166th Street and WASD pump station No. 497 located at 405 NE 166th Street; and the Golden Glades Multi-Modal Facility.

The foregoing resolution was offered by Commissioner **Jean Monestime** who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	nay
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	nay
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2021. 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

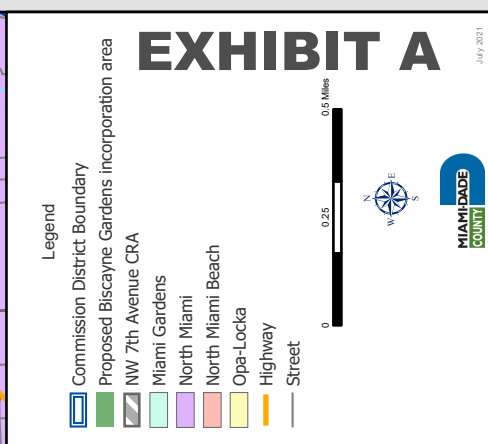
By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "ASR", is written over a horizontal line.

Abbie Schwaderer-Raurell
Eddie J. Kirtley

MIAMI DADE COUNTY



**RESOLUTION APPROVING THE
BISCAYNE GARDENS AREA
MUNICIPAL ADVISORY COMMITTEE REPORT**

WHEREAS, the Biscayne Gardens Area Municipal Advisory Committee (the Committee) was established on September 9, 2003, by the Board of County Commissioners (Board) pursuant to Resolution No. 974-03, created by Ordinance No. 04-142, adopted by the Board on July 27, 2004, and allowed to continue in existence for a prescribed period of time to complete its responsibilities pursuant to Ordinance No. 15-33 adopted by the Board on May 5, 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 the City of North Miami Beach on the North and East, by the City of North Miami on the East and South, by the City of Opa-Locka on the West and by the City of Miami Gardens on the Northwest; and

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

WHEREAS, the Committee has conducted three duly advertised public hearings on December 7, 2004, October 15, 2014, and March 16, 2016 to discuss with the Biscayne Gardens area residents the proposed conditions to incorporate the Biscayne Gardens area; and

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE BISCAYNE GARDENS AREA MUNICIPAL ADVISORY COMMITTEE THAT:

Section 1. The Committee adopts by this resolution the terms and conditions outlined in the Biscayne Gardens Municipal Advisory Committee Conceptual Agreement adopted on June 24, 2014 and the *Biscayne Gardens Area Municipal Advisory Area Revenues and Expenditures Analysis Final Report*, adopted on September 23, 2014 copies which are attached and incorporated herein by reference,

Section 2. The Biscayne Gardens Area Municipal Advisory Committee requests that the Board of County Commissioners adopt a resolution calling for an election in the Biscayne Gardens 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 Anne Cates, who moved its adoption. The motion was seconded by Roger Gordon and upon being put to a vote, the vote was as follows:

Anne Cates	<u>AYE</u>
Estome Dorcely	<u>AYE</u>
Patrenia Dozier-Washington	<u>ABSENT</u>
Vernell Everett	<u>AYE</u>
Roger Gordon	<u>AYE</u>
Michelle McCook	<u>ABSENT</u>
Anna Zimmerman	<u>AYE</u>

The Chairperson thereupon declared the resolution duly passed and adopted this

12 day of Apr 2016.

A handwritten signature in black ink, appearing to read "Vernell Everett", is written over a horizontal line.

Vernell Everett

Chairperson

Biscayne Gardens Area Municipal Advisory Committee

**BISCAYNE GARDENS MUNICIPAL ADVISORY COMMITTEE
CONCEPTUAL AGREEMENT**

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

Background

The Biscayne Gardens Municipal Advisory Committee (MAC), a group of Biscayne Gardens area residents appointed by the Board of County Commissioners (BCC), was by Ordinance No. 04-142, adopted by the BCC on July 27, 2004, 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 Biscayne Gardens area is incorporated as a municipality. The group met for 20 months with local officials, private government consultants and County staff from various departments, prior to the 2007 moratorium on incorporation petitions. Subsequent to the repeal of the ordinance establishing the moratorium, the MAC reconvened in August 2013 and has met on a monthly basis since then.

The following is a Conceptual Agreement proposed by the Biscayne Gardens Municipal Advisory Committee.

CONCEPTUAL AGREEMENT

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

Northern most. NE 167th Street
Southern most. NW 128th Street
Eastern most. NE 18th Avenue
Western most. NW 17th Avenue

Whereas, the Biscayne Gardens 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

**The Biscayne Gardens Municipal Advisory Committee
Conceptual Agreement 06/24/14**

unincorporated municipal service area programs, services and activities, and other County administrative and support systems as detailed below,

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

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

Section 1. – County Services

Pursuant to the Code of Miami-Dade County, Chapter 20, Sections 20-25 and 20-26, and Chapter 15, Section 15-3, the proposed municipality of the Biscayne Gardens area will remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Library System, and the Miami-Dade Solid Waste Collection and Disposal system in perpetuity.

The proposed municipal government of the proposed municipality Biscayne Gardens 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. 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 Biscayne Gardens 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 Biscayne Gardens 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 Biscayne Gardens 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 Biscayne Gardens 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 Biscayne Gardens area shall receive a credit equivalent to any payment made through the countywide millage.

Whereas, the incorporation of the proposed municipality of the Biscayne Gardens area will have an adverse financial impact on the remainder of the unincorporated municipal service area (UMSA),

**The Biscayne Gardens Municipal Advisory Committee
Conceptual Agreement 06/24/14**

Now therefore, the members of the Biscayne Gardens 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 Biscayne Gardens area are:

- Oak Grove Park,
- Biscayne Gardens Park
- Jeb Estates 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 Biscayne Gardens area at the time the parks are transferred to the new municipality.

The Biscayne Gardens 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 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 Biscayne Gardens area at the time the roads are transferred to the new municipality. There are approximately 84.5 centerline miles in the proposed study area, of which, approximately 66.8 centerline miles will be transferred to the proposed municipality. The County is proposing to keep the following roads, which total approximately 17.7 centerline miles:

- NW 6 Avenue from NW 151 Street to NW 2 Avenue
- NW 2 Avenue from NW 128 Street to NW 151 Street
- NW 2 Avenue from NW 154 Street to NW 167 Street
- N Miami Avenue from NW/NE 128 Street to NW/NE 167 Street
- NE 2 Avenue from NE 159 Street to NE 167 Street
- NE 10 Avenue from NE 147 Street to NE 151 Street
- NE 12 Avenue from NE 143 Street to NE 151 Street
- NE 16 Avenue from NE 143 Street to NE 151 Street
- S Biscayne River Drive from N Miami Avenue to NW 151 Street
- Memorial Highway from NE 135 Street to NW 154 Street
- NW 143 Street from NW 7 Avenue to N Miami Avenue
- NW 151 Street from NW 7 Avenue to S Biscayne River Drive
- NE 151 Street from NE 10 Avenue to NE 18 Avenue
- NW 159 Street from NW 6 Avenue to NE 8 Avenue

The proposed municipality of the Biscayne Gardens 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 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 Biscayne Gardens 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 indicated under a separate charter article entitled "Special Conditions".

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

**The Biscayne Gardens Municipal Advisory Committee
Conceptual Agreement 06/24/14**

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.

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.

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.

**The Biscayne Gardens Municipal Advisory Committee
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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 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 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 (the CDMP) as it may be amended from time to time, as applied to the sites listed below:

DEPARTMENT/FACILITY	LOCATION
Golden Glades Trash and Recycling Center Biscayne Gardens	140 NW 160 th Street Miami, FL

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

Any use or activity allowed by the CDMP may not be limited or impeded in any way by the local government comprehensive plan adopted by the proposed municipality. Additionally, the proposed municipality shall pass no ordinance or

**The Biscayne Gardens Municipal Advisory Committee
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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 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 municipality 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 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.

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.

Section 4. - 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

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contracting with the Miami-Dade Police Department for local patrol and specialized police services, the proposed municipality of the Biscayne Gardens 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 4 and in no way alter the agreement regarding the remaining services.

RESOLUTION 20-8**RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING
ADVISORY BOARD RECOMMENDING THAT THE BOARD
OF COUNTY COMMISSIONERS APPROVE THE BISCAYNE
GARDENS MUNICIPAL ADVISORY COMMITTEE
INCORPORATION PETITION**

WHEREAS, the Board of County Commissioners (Board) adopted Ordinance No. 04-142 on July 27, 2004 creating and establishing the Biscayne Gardens Municipal Advisory Committee (BGMAC) to review the possible incorporation of the general Biscayne Gardens area and directing County staff to prepare a study of the possible incorporation of a new municipality; and

WHEREAS, on May 5, 2015, the Board adopted Ordinance No. 15-33 that extended the existence of the BGMAC for a period of time to complete its responsibilities; and

WHEREAS, the proposed incorporation area is generally bounded by the City of North Miami Beach on the North and East, by the City of North Miami on the East and South, by the City of Opa Locka on the West and by the City of Miami Gardens on the Northwest; and

WHEREAS, with the support of County Staff the BGMAC initially met for three years prior to the Board-adopted moratorium on annexations and incorporations through Resolution No. R-1051-05; and

WHEREAS, On March 12, 2012, the Board lifted the moratorium on incorporations when it adopted Ordinance No. 12-24 and the BGMAC reconvened and met through April 13, 2016, when it completed its charge of assessing the fiscal feasibility and desirability to incorporate the area into a new municipality; and

WHEREAS, the BGMAC 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 BGMAC pro-forma budget concluded that the area is financially viable as a municipality if the ad valorem rate of the new municipality is set at 4.0 mills as established in the BGMAC adopted budget; and

WHEREAS, the BGMAC public hearings were held on December 7, 2004, October 15, 2014, and March 29, 2016 where the BGMAC considered input from the community; and

WHEREAS, on April 13, 2016, the BGMAC 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 September 4, 2019, adopted Resolution No. R-966-19 that referred the BGMAC 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 Biscayne Gardens MAC incorporation, after a public hearing, pursuant to Section 20-22 of the Code; and

WHEREAS, on September 30, 2020, the Planning Advisory Board held an advertised public hearing, concerning this incorporation petition; and

WHEREAS, the Planning Advisory Board heard from the residents and considered the information provided by County staff.

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

The Planning Advisory Board recommends that the Board Approve the Biscayne Gardens Municipal Advisory Committee Incorporation Petition.

The forgoing resolution was offered by Board Member Rogers, who moved the motion, and was seconded by Board Member Diaz-Padron, and upon being put to a vote the motion passed 8 to 1 as follows:

Robert Alonso	Absent	J. Wil Morris	Yes
Carla Ascencio-Savola	No	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Absent

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, Yes

The Chair thereupon declared the resolution duly passed and adopted this 30th day of September 2020.

As the Executive Secretary to the Planning Advisory Board, I hereby certify that the above information reflects the action of the Board.

Jerry Bell for

Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic
Resources