

Walker, Ardyth (COE)

INQ 03-05

From: Braynon, Patricia (HFA)
Sent: Thursday, January 30, 2003 3:16 PM
To: Walker, Ardyth (COE); Johnson-Stacks, Cynthia (CA)
Subject: Request for Opinion

Ms. Walker,

I would like to request an informal opinion to determine if there would be a conflict of interest for me to serve on the Charter Commission for the new city of Miami Gardens. I am the Director of the Housing Finance Authority of Miami-Dade County (HFA) and a resident of the newly incorporated city.

As Director of the HFA, I am charged with carrying out the duties of the agency as set forth in Chapter 159, Part IV, Florida Statutes. After a review of the statutes that govern the HFA, I see no conflict with my duties as the Director and serving on this Commission.

It is my understanding that a committee of the Board of County Commissioners will discuss the Charter Commission on February 6, 2003. I would like to know if I may serve on the Commission by February 5, 2003.

Thank you for your attention to this matter. I can be reached at the telephone number or my email address listed below should you need additional information.

Patricia Jennings Braynon
Director, Housing Finance Authority
25 West Flagler Street, Suite 950
Miami, FL 33130
apj@miamidade.gov
305-372-7990
305-371-9152 Fax
www.miamidade.gov/hfa

"Minds Are Like Parachutes... They Work Best When Open"

*****IMPORTANT NOTICE*****

The Housing Finance Authority of Miami-Dade County is a public agency subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

Memo

To: Patricia Braynon
Director
Housing Finance Authority

From: Ardyth Walker
Staff General Counsel

Date: 2/3/03

Re: INQUIRY 03-04

I received your request for an informal opinion regarding an appointment to the Miami Gardens Charter Commission. You requested an opinion as to whether there is a conflict of interest between your service on the Charter Commission and your position as Director of the Housing Finance Authority. Since this is an informal opinion, the Ethics Commission has not considered this matter.

Pursuant to Section 20-24 of the Code of Miami-Dade County, the Board of County Commissioners is required to establish a charter commission for any new municipality approved by the voters. The Charter Commission is empowered to draft the charter for the new municipality. Section 20-26 further provides that all new municipalities must remain a part of the Miami-Dade County Fire-Rescue District, the Miami-Dade Library System and the Miami-Dade Solid Waste Collection System. Finally, Section 20-26 requires the municipality to contract with the county for certain police services.

The Housing Finance Authority is a semi-autonomous agency created by the County Commission pursuant to a state statute. The Housing Finance Authority operates several programs including a single-family loan program and capital financing for affordable housing projects.

The Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the Charter Commission and Director of the Housing Finance Authority. The Code permits county employees to serve on county created boards or

commissions as long as the service does not require the employee to disclose confidential information or use their official position to secure special privileges for the board. Since Section 20-26 of the code establishes the county services that will be provided to the new municipality, you will not be required or induced to disclose confidential information or to use your official position to secure special privileges for the new municipality. Therefore, the Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the Miami Gardens Charter Commission.

Please call me at 350-0616 if you have any additional questions or need additional information.

Walker, Ardyth (COE)

IMP 03-05

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Sent: Thursday, January 30, 2003 3:16 PM
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As Director of the HFA, I am charged with carrying out the duties of the agency as set forth in Chapter 159, Part IV, Florida Statutes. After a review of the statutes that govern the HFA, I see no conflict with my duties as the Director and serving on this Commission.

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1/31/03



FACSIMILE COVER SHEET

DATE: February 3, 2003

TO: ARDYTH WALKER
DEPT/COMPANY: COMMISSION ON ETHICS
PHONE #: 305-579-2594
FAX #: 305-579-0273

FROM: Cynthia Johnson-Stacks PHONE #: (305) 375-5151
Assistant County Attorney

ANY PROBLEMS OR QUESTIONS, PLEASE CALL: Connie Williams

AT: (305) 375-5106

Total number of pages including this page: 39* *****

RE:

COMMENT: After we spoke last week, I became aware that two county employees have made requests of you as to whether it would be a conflict of interest for them to serve on a proposed Charter Commission in connection with the creation of a charter for a proposed new city. These are the documents I spoke with you about during our conversation about these requests. I know that this is a tremendous rush, but if you are not going to be able to get this opinion done prior to February 6, 2003, could you let me know ASAP so that the Commissioner making the appointments can take this into consideration in making appointments. Should you need any further information or assistance, please don't hesitate to contact me at extension 7312. Thanks for your assistance.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

MEMORANDUM

Agenda Item No. 10(A)(2)

TO: Hon. Chairperson and Members
Board of County Commissioners

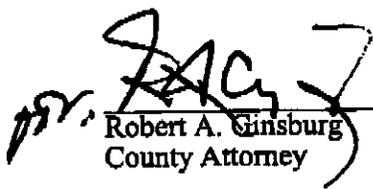
DATE: December 3, 2002

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution calling special
election for proposed new
municipality in the area of
North Dade

R#1417-02

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Betty T. Ferguson.


Robert A. Ginsburg
County Attorney

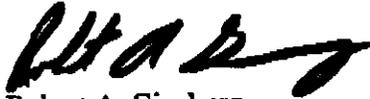
RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 3, 2002

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(2)

Please note any items checked.

- "4-Day Rule" (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 private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

Agenda Item No. 10(A)(2)

Page 2

other things, contract with the Miami-Dade Police Department for police patrol services for an initial period of three years, and

WHEREAS, the North Dade Area Municipal Advisory Committee understands and acknowledges that the special conditions for incorporation include, but are not limited to, remaining a part of the Miami-Dade Fire Rescue District, the Miami-Dade Public Library System, the Miami-Dade Solid Waste collection system, as well as contracting and paying for specialized polices services from the Miami-Dade County Police Department; and

WHEREAS, the North Dade Area Municipal Advisory Committee understands and acknowledges that payment for contracted specialized police services will continue from year-to-year and the costs upon which such payments are based will be recalculated every three years and will be determined based upon the municipality's utilization over the previous three years; and

WHEREAS, the North Dade Area Municipal Advisory Committee understands and acknowledges that the municipality shall pay from its municipal funds for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity; and

WHEREAS, the Board is desirous of calling a special election in reliance upon the representations contained in the Report and Resolution of the North Dade Area Municipal Advisory Committee and the statements contained in this resolution,

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

Agenda Item No. 10(A)(2)

Page 3

Section 1. The matters set for above are hereby incorporated by reference in this Resolution.

Section 2. A special Election is hereby called and shall be held in Miami-Dade County, Florida, on Tuesday, JANUARY 28, 2003, for the purpose of submitting to the qualified electors residing within the boundaries of a proposed new municipality in the area of North Dade the question of whether or not the Board of County Commissioners should be authorized to create a new municipality in the area of North Dade pursuant to Section 5.05 of the Miami-Dade Home Rule Charter. The boundaries of the proposed new municipality are as follows:

<u>Northernmost boundary:</u>	N.W. 215th Street
<u>Easternmost boundary:</u>	N.E. 2nd Avenue
<u>Southernmost boundary:</u>	N.W. 151st Street
<u>Westernmost boundary:</u>	N. W. 57th Avenue

A sketch of the boundaries of the proposed new municipality is attached to this Resolution as Exhibit B.

Section 3. The special election is called in reliance upon the representations of the North Dade Area Municipal Advisory Committee contained in its report adopted by resolution dated September 9, 2002 (Composite Exhibit A).

Section 4. Notice of such a special election shall be published in accordance with Section 100.342, Florida Statutes (2000).

Section 5. The results of such special election shall be determined by a majority of the qualified electors residing within the boundaries of a proposed new municipality in the area of North Dade voting upon the question. The polls at such

special election 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 a proposed new municipality in the area of North Dade, Miami-Dade County, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until thirty (30) days prior to the date of such special election, at which time the registration books will be closed in accordance with the provisions of the general election laws. Touch screen voting machines shall be used in such special election, and the question shall appear on the ballot in substantially the following form:

PROPOSED NEW MUNICIPALITY: NORTH DADE

SHALL THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS BE AUTHORIZED TO CREATE A NEW MUNICIPALITY IN THE AREA OF NORTH DADE WITH THE FOLLOWING GENERAL BOUNDARIES?

- NORTHERNMOST BOUNDARY: Northwest 215th Street
- EASTERNMOST BOUNDARY: Northeast 2nd Avenue
- SOUTHERNMOST BOUNDARY: Northwest 151st Street
- WESTERNMOST BOUNDARY: Northwest 57th Avenue

YES
NO

Section 6. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such

Agenda Item No. 10(A)(2)

Page 5

proposal shall be instructed to vote "YES". Those qualified electors desiring to reject or disapprove the question shall be instructed to vote "NO".

Section 7. Optical scan or touch screen systems may be used for absentee voting by qualified electors residing within the boundaries of a proposed new municipality in the area of North Dade for voting on this question at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with a proper place for voting either "YES" or "NO" following the statement of the question or proposal aforesaid.

Section 8. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the touch screen systems at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 9 The election on the questions or proposal aforesaid shall be held in accordance with applicable provisions of general law relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of The County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. The special election shall be a nonpartisan election. Election Inspections Boards, inspectors and clerks to serve as elections officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 10. This special election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

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

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorin D. Rolle
Katy Sorenson

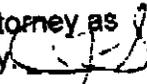
Dr. Barbara Carey-Shuler
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of December, 2002. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Approved by the County Attorney as
to form and legal sufficiency 

Cynthia Johnson-Stacks

By: _____
Deputy Clerk

Appendix A

North Dade Area Municipal Advisory Committee Resolution

COMPOSITE EXHIBIT A

**RESOLUTION APPROVING THE
NORTH DADE AREA
MUNICIPAL ADVISORY COMMITTEE REPORT**

WHEREAS, the North Dade Area Municipal Advisory Committee (the Committee) was established on May 21, 2002, by the Board of County Commissioners pursuant to Resolution No. 550-02,

WHEREAS, the Committee was charged with addressing the incorporation concerns of both the members of the Board of County Commissioners and County staff, and

WHEREAS, the Committee has met with County staff and negotiated mutually agreeable condition for the incorporation of the North Dade Area,

WHEREAS, the Committee has conducted seven duly advertised public hearings on March 25, 2002, July 22, 2002, July 29, 2002, August 05, 2002, August 08, 2002, August 19, 2002, and August 26, 2002, to discuss with the North Dade area residents the proposed conditions to incorporate the North Dade area, and

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

Section 1. The Committee adopts by this resolution the terms and conditions outlined in the *North Dade Area Municipal Advisory Committee Report*, a copy of which is attached and incorporated herein by reference.

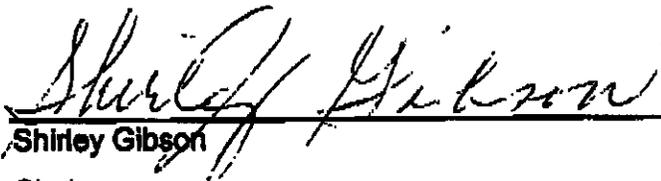
Section 2. The North Dade Area Municipal Advisory Committee requests that the Board of County Commissioners approve a resolution calling for an election in the North Dade area based on the terms proposed in the attached report.

Section 3. The Committee wants to express its appreciation to County staff for the time and efforts during these negotiations.

The foregoing resolution was offered by Paulette Simms Wimberly, who moved its adoption. The motion was seconded by Marlene Arribas and upon being put to a vote, the vote was as follows:

Marlene Arribas	<u>Aye</u>
Aaron Campbell	<u>Aye</u>
Shirley Gibson	<u>Aye</u>
Bill Isley	<u>Absent</u>
Lillie Q. Odom	<u>Aye</u>
Paulette Sims Wimberly	<u>Aye</u>
Barbara Watson	<u>Aye</u>

The Chairperson thereupon declared the resolution duly passed and adopted this twelfth day of November 2002.



Shirley Gibson

Chairperson

North Dade Area Municipal Advisory Committee

Appendix B

North Dade Area Municipal Advisory Committee Report

**NORTH DADE AREA
MUNICIPAL ADVISORY COMMITTEE
REPORT**

The following offers an incorporation related agreement for the new municipality of North Dade 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 agreement outlines a framework under which North Dade can proceed with its incorporation process.

Background

The North Dade Area Municipal Advisory Committee (NDMAC), a group of North Dade-area residents appointed by the Board of County Commissioners (BCC), was created May 21, 2002, under the sponsorship of Commissioner Ferguson to study the possible creation of a new municipality in the area of North Dade. The group met many times and held seven public hearings throughout the proposed city of North Dade. County staff gave reports and presentations to the MAC outlining the services currently provided to the area and the costs allocated to those services. In addition, the NDMAC obtained information from the State of Florida, Florida Power and Light, other municipalities, and other resources to determine the anticipated revenue and expenditure information (Appendix C).

The following is an agreement proposed by NDMAC.

Agreement

WHEREAS, the boundaries of the municipality of North Dade (hereafter referred to as "North Dade") are as follows:

Beginning at the centerline of Countyline Road and the centerline of NW 47th Avenue, the point of beginning, thence travel south along the centerline of NW 47th Avenue to the centerline of NW 167th Street, thence travel west to the centerline of southbound NW 57th Avenue, thence travel south along the said centerline of southbound NW 57th Avenue to the centerline of NW 151st Street, thence travel east to State Road 9, thence travel north northeast along State Road 9 to the centerline of North Miami Avenue, thence travel north along the centerline of North Miami Avenue to the centerline of NW 199th Street, thence travel east along the centerline of NW 199th Street to the centerline of NE 2nd Avenue, thence travel north along NE 2nd Avenue to the centerline of Countyline Road.

WHEREAS, the area residents and property owners recognize the serious implications of creating a new city and support the creation of the municipality of North Dade;

WHEREAS, there is fiscal viability in the proposed municipality;

WHEREAS, there are no suitable alternatives to incorporation, including annexation to an existing municipality;

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

WHEREAS, the North Dade 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

The municipality of North Dade will remain a part of the Miami-Dade Fire Rescue District, the Miami-Dade Library System, and the Miami-Dade Solid Waste collection system in perpetuity.

14

The municipality of North Dade will continue to abide by the Code of Miami-Dade County, Section 20-25 pertaining to the "Retention of Garbage and Refuse Collection and Disposal," which provides in pertinent part that "The County shall forever retain authority for residential garbage and refuse collection and disposal in all areas which incorporate subsequent to the effective date of this ordinance."

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

North Dade 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 North Dade and Miami-Dade County. These specialized police services include, but are not limited to, tactical services, such as special response team, canine, bomb squad investigations and 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, residents in North Dade shall receive a credit equivalent to the payment made through the countywide millage.

North Dade shall exclusively utilize the Miami-Dade Police Department for a specific level of patrol staffing for an initial period of three years. The utilization of the Miami-Dade Police Department for local patrol services may only be terminated for cause during this initial three (3) year period. Payment amounts and other pertinent items relating to the provision of local patrol services shall be set forth in a contract between North Dade 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, North Dade may elect not to renew the Local Patrol Contract at which point a transition period of no less than twelve (12) months will begin.

In recognition of the fact that the development of a new municipality requires considerable effort and a period of transition during which North Dade can benefit from a strong mentoring relationship with the current service providers and administration, and in recognition of the fact that both North Dade and the County desire to have an ongoing, cooperative relationship, the County will provide municipal assistance to North Dade. This will enable North Dade to receive benefits and services from the County.

These benefits include, but are not be limited to:

- The ability to take part in training opportunities provided to County staff with no cost over and above any fees charged to County departments.
- The opportunity, at no cost, to call on the expertise of the County in financial, budget, technology, planning, engineering, code enforcement and other professional resources that are not routinely made available to other cities.
- The ability to enter into negotiations for other contracting opportunities for services such as preparation of local master plans, utilization of the County's Geographic Information System and other information technology systems, and other services from the County that North Dade may wish to access.

Section 2. - Continuing Obligations as to County Bonds

The County has previously issued revenue bonds ("Bonds") that are secured by stormwater utility fees ("Utility Fees") and public service taxes ("Service Tax"), respectively, that are collected in the unincorporated areas of the County, including North Dade. Until the Bonds and any future bonds are retired, the County will apply all Utility Fees and Service Taxes it collects in the unincorporated area, including those collected in North Dade, to the debt service on the Bonds before making a distribution to North Dade. The amount to be distributed to North Dade will be contingent upon the location of the projects financed with the proceeds from the Bonds or such other method determined by the County. Upon incorporation, North Dade will enact an ordinance pursuant to Section 202.19, Florida Statutes, authorizing the levy of discretionary Service Tax at a rate no less than the rate established by the County for communications services prior to the incorporation of North Dade.

Except as otherwise noted, the municipality of North Dade will receive all other municipal revenue sources including those that the County by right may otherwise retain, such as the franchise fees, and will continue to receive all services that are provided to cities under the countywide budget.

Section 3. - Regulatory Control

The local government comprehensive plan adopted by the municipality of North Dade 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
MIAMI-DADE POLICE DEPARTMENT	
Carol City Station	18805 NW 27 Avenue
MIAMI-DADE FIRE DEPARTMENT	
Carol City Station	18705 NW 27 Avenue
Bunche Park Station	15250 NW 27 Avenue
DEPARTMENT OF SOLID WASTE MANAGEMENT	
Miami Gardens Trash & Recycling Facility	16300 NW 42 Avenue
Norwood Trash & Recycling Facility	19901 NW 7 Avenue
WATER AND SEWER DEPARTMENT	
Regional Pump Station 421	20215 NW 2 Avenue
Regional Pump Station 422	3150 NW 208 Terrace
Regional Pump Station 1310	NW 151 Street and 37 Avenue

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

Any use or activity allowed by the CDMF may not be limited or impeded in any way by the local government comprehensive plan adopted by North Dade. Additionally North Dade shall pass no ordinance or regulation that would limit or impede the operation of the aforementioned County facilities. Jurisdiction over the listed sites for purposes of 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 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 North Dade 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 North Dade. North Dade 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.

Section 4. Pro Player Stadium and the Dolphin Center Development

In recognition of the fact that Pro Player Stadium and the Dolphin Center Development of Regional Impact Activity Center has significant regional importance to the economy

and well-being of all of Miami-Dade County, jurisdiction over the Stadium/Dolphin Center site for purposes on zoning and building approvals, water and sewer installations (if applicable), compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall remain with Miami-Dade County, and the new municipality will include a provision within its charter to that effect.

North Dade will preserve the rights and approvals of the Stadium and surrounding development, which are laid out in the DRI Development Order Resolution Z-210-85, dated September 26, 1985, as amended, and zoning ordinances affecting the Dolphin Center lands through at least the year 2017 through the adoption of appropriate provisions of its charter and ordinances. If during the course of the incorporation process Miami-Dade County further modifies or memorializes the rights and approvals of the Stadium/Dolphin Center Site in a Development Agreement, North Dade will abide by that Development Agreement as the County's successor.

Section 5. – Favored Nation Status

If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol and specialized police services, the North Dade will be entitled to modify its relationship with the County consistent in the manner that each of the aforementioned services is provided to the new municipality.

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

The proposed municipality of North Dade 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 contained in this agreement, which will be included in a separate charter section entitled, "Special Conditions."

Appendix C

City of North Dade Proposed Revenues and Expenditures Analysis

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

Executive Summary

The following report represents the first year Operating Budget for the proposed City of North Dade and is intended to serve several purposes. As a policy document, this budget serves to inform the reader about the organization, how the departments will be organized and the services the new city will provide during its first year of operation. As a financial plan, the budget details the costs associated with providing municipal services and how the services will be funded.

This budget report presents a consolidated picture of the total revenue and expenditures for the General Fund, Stormwater Utility Fund, Transportation Fund, Police Education Fund and Capital Project Fund. The operation of each fund is accounted for through a set of self-balancing accounts that comprise each fund's revenues and expenditures.

The figures contained in this report were derived from a number of sources including the State of Florida Department of Revenue, Miami-Dade County, City of North Miami, City of North Miami Beach and City of Miramar. A special thank you is extended to the following people whose hard work and input contributed to this budget report: Yocelyn Galiano Gomez, Assistant Village Manager Village of Pinecrest, Alex Rey Panama, Assistant Director - Miami-Dade Office of Management and Budget, and Christian Weiss Chief Economist of the Division of Research and Analysis in the Florida Department of Revenue.

The first year consolidated budget identifies a total of \$36,921,500 in revenues. Total Non-recurring revenues total \$10,748,430. Expenditures including transfers out are projected to be \$47,669,930.

Revenues	County Draft Budget	MAC Proposed City of North Dade Analysis
Ad Valorem (Property) Taxes		
Operating Levy	\$ 5,267,000	\$ 5,267,000
Delinquent with Penalties and Interest	N/A	20,000
Tax Certificate Redemption	N/A	100,000
Sub-total Ad Valorem Taxes	\$ 5,267,000	\$ 5,387,000
Franchise Fees		
Electric	N/A	\$ 3,600,000
Gas	N/A	205,000
Towing	N/A	39,000
Refuse (Solid Waste)	N/A	335,000
Sub-total Franchise Fees	\$ 1,835,000	\$ 4,379,000
Utility Taxes		
Electric	N/A	\$ 4,259,963
Gas	N/A	189,981
Water	N/A	831,807
Sub-total Utility Taxes	\$ 4,628,000	\$ 5,281,751
Communications Services Tax		
Communications Services Tax	\$ 3,352,000	\$ 3,981,800
Sub-total Com. Services Taxes	\$ 3,352,000	\$ 3,981,800
Occupational License Taxes		
County Occupational License Tax	\$ 33,457	\$ 33,500
Unincorporated/City Occ. Lic. Tax	239,563	240,000

City of North Dade Proposed Revenues and Expenditures Analysis
Estimated Revenues

Revenues	County Draft Budget	MAC Proposed City of North Dade Analysis
Sub-total Occupational License Taxes	\$ 273,020	\$ 273,500
Building Permit Fees		
Bldg Permits and Processing Fees	<u>\$ 551,553</u>	<u>\$ 550,000</u>
Sub-total Building Permit Fees	\$ 551,553	\$ 550,000
Other Licenses, Fees and Permits		
Other Licenses, Fees and Permits	<u>\$ 164,504</u>	<u>\$ 164,504</u>
Sub-total Other Lic., Fees & Permits	\$ 164,504	\$ 164,504
Intergovernmental Revenues		
Alcoholic Beverage Licenses	N/A	\$ 36,310
State Revenue Sharing	N/A	3,080,869
Local Gov. Half-cent Sales Tax	5,733,000	6,059,913
Motor Fuel Tax Refunds	<u>N/A</u>	<u>35,000</u>
Sub-total Intergovernmental Revenues	\$5,733,000	\$ 9,491,892
Charges for Services		
Photocopy Fees	N/A	\$ 600
Park Prog. and Facility Rental Fees	173,000	173,000
Lien Search Fees	<u>N/A</u>	<u>6,000</u>
Sub-total Charges for Services	\$ 173,000	\$ 179,600
Fines and Forfeitures		
County Court Fines	N/A	\$ 330,000
Violations-Local Ordinance	<u>N/A</u>	<u>431,780</u>
Sub-total Fines and Forfeitures	\$ 743,064	\$ 761,780
Other Revenues		
Off-Duty Revenues	\$ 74,000	\$ 280,000
Impact Fees for Police and Parks	Not a revenue	Not a revenue
Bus Bench Permit Fees	N/A	41,200
Interest Earnings	<u>269,000</u>	<u>350,000</u>
Sub-total Other Revenues	\$ 611,616	\$ 671,200
Stormwater Utility Fees		
Stormwater Utility Fees	<u>\$2,398,529</u>	<u>\$ 2,398,500</u>
Sub-total Stormwater Utility Fees	\$2,398,529	\$ 2,398,500
Local Option Gas Taxes		
Local Option Gas Tax (6%)	N/A	\$ 1,765,421
New Local Option Gas Tax (3%)	<u>N/A</u>	<u>758,552</u>
Sub-total Local Option Gas Taxes	N/A	\$ 2,523,973
Total Revenues	\$25,341,280	\$36,044,500

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

Expenditures	County Draft Budget	MAC Proposed City of North Dade Analysis
General Fund		\$ 350,000
City Council		497,900
Office of the City Manager		414,990
Office of the City Clerk		200,000
Office of the City Attorney		881,429
General Government		432,030
Finance Department		20,933,836
Police Department		1,281,410
Building and Planning Department		1,025,000
Public Works Department		<u>2,770,400</u>
Parks and Recreation Department		\$26,786,795
Total General Fund		
Other Funds		1,648,500
Total Stormwater Utility Fund		750,000
Debt service payment on bonds		500,000
Debt service payment on QNIP		3,595,270
Total Transportation Fund		<u>300,000</u>
Total Police Education Fund		
Total Other Funds		\$6,793,770
Total All Fund Expenditures		\$35,580,565
Non-Recurring Revenues and Expenditures	County Draft Budget	MAC Proposed City of North Dade Analysis
Non-recurring Revenues		\$ 100,000
Federal, State and Local Grants		288,600
Impact fee for Police and Parks		<u>10,479,830</u>
County Identified Existing Grants		\$10,748,430
Total Non Recurring Revenues		
Non-Recurring Expenditures		\$10,748,430
Total Capital Project Fund		<u>\$10,748,430</u>
Total Non-Recurring Expenditures		
Total Non Recurring Funds		\$ 0
Total Surplus		\$463,935

Revenue Projections

Ad Valorem Taxes

Ad Valorem Taxes (also referred to as Property Taxes) are levied on all taxable real and personal property within Miami-Dade County and are calculated as a percentage of the value of real or personal property. The percentage is expressed in mills

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

(thousandths of dollars). Therefore, a mil of tax is the rate of tax equal to \$1.00 for each \$1,000.00 of assessed property value.

Presently, anyone owning property within the proposed City of North Dade pays the Miami-Dade County Tax (County-wide) and the UMSA Tax (Unincorporated Municipal Service Area Tax), as well as a Library District Tax, Fire and Rescue District Tax, Miami-Dade County School Board Tax, Everglades Project Tax, South Florida Water Management District Tax, and the Florida Inland Navigation District Tax. When you total all the mil rates for the different taxing authorities mentioned above -- a property owner in North Dade pays a total millage of \$22.366 for every \$1,000.00 of assessed property value.

The UMSA Tax mill rate for the year 2002 is \$2.447. If the incorporation of the new City of North Dade occurs, the UMSA Tax will be replaced by the City Tax. The proposed City Tax is exactly the same as the existing UMSA tax so you will not experience an increase in taxes due to the incorporation of the new City of North Dade.

The gross taxable value for the proposed City of North Dade is \$2,265,637,211 based on the 2001 taxable property roll figures provided by the Miami-Dade County Tax Collector's Office. The proposed mil rate for 2002 is \$2.447, which will generate \$5,267,000 in Ad Valorem revenues budgeted at a 95% collection rate. In addition, it is anticipated that Ad Valorem Delinquent Fees (3% penalty) will generate a total of \$20,000 and Tax Certificate Redemption proceeds from the sale of tax certificates (lien on unpaid real estate properties) on the court house steps will generate \$100,000. As a comparison, the neighboring City of North Miami generates \$11,204,354 in Ad Valorem revenues with a mil rate of \$8.823 and the City of North Miami Beach generates \$8,077,413 in Ad Valorem taxes with a mil rate of \$9.2903.

Ad Valorem Taxes (Property Taxes)	County Draft Budget	MAC Proposed City of North Dade Analysis
Operating Levy	\$ 5,247,000	\$ 5,267,000
Delinquent with Penalties and Interest	N/A	20,000
Tax Certificate Redemption	N/A	100,000
Total Ad Valorem Taxes	\$ 5,247,000	\$ 5,387,000

Franchise Fees

Franchise Fees are fees paid by public service businesses for use of City streets, alleys and property in providing their services to the citizens of a community. Services requiring franchises include electricity, natural gas, refuse, towing, and solid waste collection.

The Franchise Fee revenue for electricity is generated from a 6% charge on each customer's electric bill within the proposed limits of the City of North Dade. The figure presented in the MAC Proposed Budget was derived from information provided directly by Florida Power and Light on total electricity sales for the area over a one-year period. (Appendix A) In addition, an assumption had to be made due to incomplete data provided by the County, using comparisons from the city of North Miami, Miami Beach and Hialeah the Electric Franchise Fees are expected to generate \$5,000,000 in gross revenues. Due to a County adjustment the net revenue will be \$3,800,000.

The Franchise Fee revenue for gas is generated from a 6% charge on each customer's gas bill within the proposed limits of the City of North Dade and collected from those companies providing gas to both residential homes and businesses. The revenue estimate for the Gas Franchise was derived by utilizing revenue figures for the neighboring cities of North Miami, North Miami Beach and Miramar. The City of North Miami (population 59,860) collects \$108,087 from this source. The City of North Miami Beach (population 40,786) collects \$110,914 and the City of Miramar (population 61,425) collects \$111,755. If one takes the total collected from the three neighboring cities and divides by their total population, a per capita figure of \$2.03 is derived. Utilizing the estimated population of North Dade (103,347), it can be calculated that \$209,794 will be generated from Gas Franchise Fees. A total of \$205,000 is proposed as revenue from this source.

The Franchise Fee for Towing is generated from a charge on all tows within the proposed limits for the City of North Dade. Utilizing the average of the budget figures from the City of North Miami Beach which totaled \$9,480

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

and from the City of Miramar which totaled \$68,667, it is estimated that \$39,000 will be generated from this revenue source.

A Franchise Fee for Solid Waste may be collected from companies providing solid waste collection services to commercial properties within the proposed city limits. The proposed Solid Waste Franchise fee would charge 10% of the total gross monthly earnings from all commercial accounts. Based on the revenues from Solid Waste Franchise Fees collected by the City of North Miami (3,200 businesses at a 17.5% rate) which totaled \$410,000, it is anticipated that \$335,000 will be collected from the 4,575 businesses in North Dade at a 10% rate.

Franchise Fees	County Draft Budget	MAC Proposed City of North Dade Analysis
Electric	N/A	\$ 3,800,000
Gas	N/A	205,000
Towing	N/A	39,000
Refuse (Solid Waste)	N/A	335,000
Total Franchise Fees	\$ 1,835,000	\$ 4,379,000

Utility Taxes

Utility Taxes are municipal charges levied by a city on every purchase of a public service within the corporate limits. Public service includes electricity, gas, fuel oil, and water. Once incorporated, Section 166.231(A), Florida Statutes, authorizes the new City of North Dade to collect Utility taxes.

The total Utility Tax revenue on electricity is derived from a 10% tax levied on each customer's electric bill. Based on the revenues for the neighboring cities of North Miami (\$2,324,261/pop. 59,880), North Miami Beach (\$1,572,680/pop. 40,786), and Miramar (\$2,781,074/pop. 61,425), the average per capita amount (\$41.22) times the population of the proposed City of North Dade (103,347) yields a total of \$4,259,963 in revenues from Electricity Utility Taxes.

The Utility Tax on Gas is derived from a 10% tax levied on each customer's gas bill. Based on the revenues for the neighboring cities of North Miami (\$98,450), North Miami Beach (\$96,610) and Miramar (\$102,909), the average per capita amount (\$1.84) yields a total of \$189,981 in revenues from Gas Utility Taxes.

The Utility Tax on Water is derived from a 10% tax levied on each customer's water bill. Based on the revenues for the neighboring city of Miramar (\$494,390), the per capita amount of \$8.05 yields a total of \$831,807 in revenues.

Utility Taxes	County Draft Budget	MAC Proposed City of North Dade Analysis
Electric	N/A	\$ 4,259,963
Gas	N/A	189,981
Water	N/A	831,807
Total Utility Taxes	\$ 4,628,000	\$ 5,281,751

Communications Service Tax

The Communications Services Tax is a municipal levy on communications services which include telecommunications, cable, direct-to-home satellite and related services. This definition encompasses voice, data, audio, video, or any other information or signals, including cable services, which are transmitted by any medium.

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

Some examples of services subject to the tax are: Long distance or toll telephone, cable television, direct-to-home satellite, mobile communications, private line services, pagers and beepers, telephone charges made by a hotel or motel, facsimiles (Fax), when not provided in the course of professional or advertising service, and telex, telegram, and teletype. The current rate charged by the Miami-Dade Unincorporated Municipal Service Area is 5.820%.

Based on the average adjusted revenues (adjusting for the 5.820% rate charged by UMSA) for the neighboring cities of North Miami (\$1,940,197/Rate 5.920%), North Miami Beach (\$1,541,429/Rate 5.920%) and Miramar (\$2,725,311/Rate 5.620%), times the proposed population of the new City of North Dade (103,347), it is anticipated that \$3,981,800 will be generated by the Communications Services Tax.

Communications Services Tax	County Draft Budget	MAC Proposed City of North Dade Analysis
Communications Services Tax	\$ 3,352,000	\$ 3,981,800
Total Communications Services Taxes	\$ 3,352,000	\$ 3,981,800

Occupational Licenses

An Occupational License is a tax imposed for the privilege of doing business in a County and/or City. Anyone providing merchandise, entertainment or service directly or indirectly to the public, even through a one-person company or home-based occupation, must obtain a license to operate.

Miami-Dade County issues a County-wide Occupational License. In accordance with County Code Sec. 8A-17A, revenues derived from the issuance of a County Occupational License to a business, profession or occupation whose place of business is located within a municipality, are apportioned between the unincorporated area of the County and the incorporated municipality where the business is located. The portion to be remitted to the municipality is determined by a ratio which divides the municipality's population by the County population. According to the County's Office of Management and Budget (Appendix B), it is anticipated that the portion of the County Occupational License revenue to be remitted to the City of North Dade will total approximately \$33,500.

Additionally, the County Tax Collector issues and collects revenues from the Unincorporated Municipal Tax. If a business is located in the unincorporated area, both taxes must be paid (see Sec. 8A-171 and Sec. 8A-224 of the Miami-Dade County Code). Once the new City of North Dade is incorporated, it will assume the Unincorporated Municipal Tax as its City Occupational License. The proposed City Occupational License Tax will be exactly the same as the Unincorporated Municipal Occupational License Tax, so you will not experience an increase in taxes due to the incorporation of the new city. According to the County's Office of Management and Budget (Appendix B), the City Occupational License Tax (formerly the Unincorporated Municipal Occupational License Tax) will generate approximately \$240,000 in revenues.

Occupational License Taxes	County Draft Budget	MAC Proposed City of North Dade Analysis
County Occupational License Tax	\$ 33,457	\$ 33,500
Unincorporated/City Occupational License Tax	239,563	240,000
Total Occupational License Taxes	\$ 273,020	\$ 273,500

Building Permits

A building permit is a document issued by the Building and Planning Department which allows a person to begin a construction activity within the corporate limits of the City of North Dade and signifies compliance with the

25

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

provisions of the Florida Building Code and other pertinent regulations and codes. The permits are issued for construction such as electrical, plumbing, structural, mechanical, etc. The fees for the various types of permits are set by city ordinance and it is expected that the County fees currently in effect will be adopted as the city's fees. Because the proposed building permit fees will be exactly the same as the County building permit fees, you will not experience an increase in cost. As per Miami-Dade County, the proposed area of the City of North Dade generated approximately 3,100 building permits for Fiscal Year 2001-2002 totaling approximately \$550,000 in revenues. See Appendix C for more detailed figures.

Building Permits Fees	County Draft Budget	MAC Proposed City of North Dade Analysis
Building Permits and Processing Fees	<u>\$551,553</u>	<u>\$550,000</u>
Total Building Permit Fees	\$551,553	\$ 550,000

Other Licenses, Fees and Permits

Other Licenses, Fees and Permits includes revenue from Certificates of Occupancy, Certificates of Use, Planning and Zoning Fees, Site Plan application fees, re-inspection fees, paving permits, right-of-way permits, banner permits, garage sale permits, etc.

According to the County's Office of Management and Budget, Planning and Zoning fees collected for the 2000-2001 fiscal year for public hearing applications, administrative variances, administrative Site Plan Reviews, Substantial Compliance Determinations and other applications totaled \$164,504.

Other Licenses, Fees and Permits	County Draft Budget	MAC Proposed City of North Dade Analysis
Other Licenses, Fees and Permits	<u>\$ 164,504</u>	<u>\$ 164,504</u>
Total Other Licenses, Fees and Permits	\$ 164,504	\$ 164,504

Intergovernmental Revenues

Intergovernmental Revenues are defined as those revenues that are generated by other governmental agencies and remitted to the jurisdiction. Examples of these types of revenues include all Federal, State, and local grants, the Alcoholic Beverage Tax, State Revenue Sharing proceeds, the Local Government Half-cent Sales Tax, and Motor Fuel Tax Rebate.

Alcoholic Beverages Licenses for the manufacture, distribution and sale of alcoholic beverages generate funds, which are collected by the State of Florida. Every municipality is entitled to approximately 38% of the proceeds of the tax collected within its municipal limits. Based on the average revenues collected from the neighboring cities of North Miami (\$19,643), North Miami Beach (\$28,164) and Miramar (\$9,141), the average per capita amount (\$0.35) times the proposed population of North Dade (103,347) totals \$36,310 in anticipated revenues from this source.

The State Revenue Sharing provides for revenue from 32.4% of the tax on each pack of cigarettes, plus \$.01 municipal gas tax, plus 25% of the state alternative fuel decal user fee. The proposed City of North Dade's share is determined by a complex formula involving State, County and City population figures, property valuations and sales tax collections. Upon a request for information from the Florida Department of Revenue, Chief Economist Christian Weiss of the Division of Research and Analysis calculated the new City of North Dade is expected to generate \$3,060,669 from State Revenue Sharing. Please see Appendix D for back-up information.

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

Chapter 82-154 of the Florida Statutes provides for funds generated by 9.653% of the state sales tax to be distributed to municipalities as a Local Half-cent Sales Tax. Upon a request for information from the Florida Department of Revenue, Chief Economist Christian Weiss, the proposed City of North Dade will receive approximately \$6,059,913 in revenues from the Local Half-cent Sales Tax. Please see Appendix D for back-up information.

The motor fuel tax refund revenues are generated when a city purchases fuel and is required to pay state taxes on the fuel, but later submits reimbursement requests to the State on a monthly basis based on its tax exempt status. Based on the revenues for the neighboring communities of Miramar (\$37,164) and North Miami Beach (\$32,811) it is anticipated that \$35,000 will be generated for the new City of North Dade from this source.

Intergovernmental Revenues	County Draft Budget	MAC Proposed City of North Dade Analysis
Alcoholic Beverage Licenses	N/A	36,310
State Revenue Sharing	N/A	3,050,669
Local Government Half-cent Sales Tax	5,733,000	6,059,913
Motor Fuel Tax Refunds	N/A	35,000
Total Intergovernmental Revenues	\$5,733,000	\$9,191,892

Charges for Services

Charges for Services are defined as those revenues that are generated from miscellaneous services provided to the citizenry by the municipality and paid for by fees. These can be from services such as Alarm Permit Fees, park facility rental/use fees, lien search fees, photocopy fees, Police Identification/Fingerprint Card fees, Sale of Maps, microfilm fees, off-duty police revenue, etc. For the purposes of determining the amount of revenue that may be expected from the newly incorporated City of North Dade, the initial revenues will be derived solely from photocopy fees, Park Facility Rental fees and Lien Search Fees. As the city matures, other revenue sources may be identified.

The revenue estimate below budgets for the provision of 4,000 photocopied pages at \$0.15 per page over a one-year period.

The park program and facility rental fees was budgeted at \$173,000 and based on actual revenue figures provided by Miami-Dade County for fiscal year 2002. (Please see Appendix E)

The Lien Search fees were derived by estimating the processing of approximately 60 lien search requests per month times a \$10.00 processing fee.

Charges for Services	County Draft Budget	MAC Proposed City of North Dade Analysis
Photocopy Fees	N/A	\$ 600
Park Program and Facility Rental Fees	173,000	173,000
Lien Search Fees	N/A	8,000
Total Charges for Services	\$173,700	\$ 179,600

Fines and Forfeitures

Revenues generated from Fines and Forfeitures include fees collected by the Courts for judgments and fines collected from violations of local ordinances.

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

The County Court Fines are a revenue source derived from a direct dollar reimbursement to the city from the County for the traffic and parking violations issued by the police department within the city limits. In order to derive the estimate for revenues from this source, an average per capita revenue estimate (\$3.19) was calculated utilizing the revenue figures for the neighboring cities of North Miami (\$124,500/pop. 59,880), North Miami Beach (\$117,256/pop. 40,786) and Miramar (\$275,850/pop. 61,425). This yielded a budget figure of approximately \$330,000.

The revenues in the Violations – Local Ordinance category are generated when the owner of a property within the corporate limits of the proposed City of North Dade violates a city code. According to the County's Office of Management and Budget, a total of \$431,780 was generated in revenues from code enforcement activity for FY 2000-2001. (Appendix B)

Fines and Forfeitures	County Draft Budget	MAC Proposed City of North Dade Analysis
County Court Fines		\$ 330,000
Violations-Local Ordinance		431,780
Total Fines and Forfeitures	\$ 743,084	\$ 761,780

Other Revenues

Other Revenues are generated from interest earnings, impact fees for police and parks, and off-duty police. Off-Duty police revenues for the neighboring city of North Miami are \$115,729 and for the City of Miramar \$1,142,384. This provides for a \$10.37 per capita rate which would translate to \$1,071,708 in off-duty police revenues, however, since the majority of the money collected is for salary the city of North Dade could only retain an administration fee equal to 23% of this per capita rate.

According to the County's Office of Management and Budget, \$268,616 is generated from Police and Park Impact fees for the North Dade Area. This revenue is restricted in use application and is easily utilized best in the capital budget for the city of North Dade. (Appendix B)

A permit fee for Bus Bench/Shelter advertising may be collected from companies providing bus benches within the proposed city limits. The neighboring City of North Miami Beach charges \$65.57 per bench times 122 = \$8,000. Also, the City of North Miami has 134 bus benches and receives \$18,750 per year (representing \$140 per bus bench) from the company that has an advertising contract with the city. The City of Miramar has city owned bus benches and does not receive revenues for bus bench advertising. The proposed North Dade area has 600 bus benches, 400 of which have advertising. Utilizing the average fee of \$103 per advertising bench, it is anticipated that \$41,200 will be generated from this revenue source.

The amount proposed for the Interest Earnings is based on a calculation of 2% of available revenues.

Other Revenues	County Draft Budget	MAC Proposed City of North Dade Analysis
Off-Duty Police Revenues	\$ 74,000	\$ 280,000
Impact Fees for Police and Parks	Not a revenue	Not a revenue
Bus Bench Permit Fees	N/A	41,200
Interest Earnings	269,000	350,000
Total Other Revenues	\$ 611,616	\$ 671,200

City of North Dade Proposed Revenues and Expenditures Analysis

Estimated Revenues

Stormwater Utility Fees

Under the provisions of the "Florida Air and Water Pollution Control Act", (Chapter 403, Florida Statutes), local governments are required to develop stormwater management programs. Miami-Dade County enacted a county-wide stormwater utility (Ordinance 91-66), which is supported by user fees which are to be used only for the management, maintenance and improvement of the public stormwater system. The billing rate established by Miami-Dade County is \$3.00 per month per residential unit and a site specific rate for all non-residential properties depending on impervious area.

The proposed City of North Dade plans to take over the Stormwater Utility function and will continue to charge the same rate charged by the County. Therefore, there will be not increase in cost. Based on the figures provided by the County's Office of Management and Budget, a total of \$2,398,529 is generated by the Stormwater Utility Fee for the North Dade Area. (Appendix B)

Stormwater Utility Revenues	County Draft Budget	MAC Proposed City of North Dade Analysis
Stormwater Utility Fees	\$ 2,398,529	\$ 2,398,500
Total Stormwater Utility Fees	\$ 2,398,529	\$ 2,398,500

Local Option Gas Taxes

The distribution of gas tax proceeds in Miami-Dade County are governed by interlocal agreements pursuant to state law. The proceeds for the Three Cent Capital Improvement Local Option Gas Tax will continue to be shared between the County (74 percent) and all eligible municipalities (26 percent). Also pursuant to the interlocal agreement the proceeds of the Six Cent Local Option Gas tax will be shared by the County (72.61 percent) and all eligible municipalities (27.39 percent). The distribution of the proceeds among eligible municipalities for both taxes is determined based on the ratio of municipal population and centerline roadway mileage maintained by all eligible incorporated municipalities in Miami-Dade County. Population figures are weighted at 75 percent while the centerline mileage figures are weighted at 25 percent for calculating each municipality's share of the total projected gas tax proceeds. To determine the revenues to be expected for the new City of North Dade, the population figure of 103,347 and the mileage figure of 586 were used which yielded a total of \$758,552 in revenues from the Three Cent Capital Improvement Local Option Gas Tax and \$1,765,321 in revenues from the Six Cent Local Option Gas Tax.

Local Option Gas Taxes	County Draft Budget	MAC Proposed City of North Dade Analysis
Three Cent Local Option Gas Tax		\$ 758,552
Six Cent Local Option Gas Tax		1,765,421
Total Local Option Gas Taxes	N/A	\$ 2,523,973

Non-recurring Revenues

Once the proposed City of North Dade is incorporated it will be applying for several grants. The grants currently administered by the County for the North Dade area include \$10,479,830 in Safe Neighborhood Parks grants. (Appendix E) Because these are non-recurring revenues they have been included in the non-recurring revenue section and shall be expended in the Capital Improvement Fund. In addition, it is anticipated that the City of North Dade will apply for and receive a total of \$100,000 from additional grant sources for miscellaneous projects.

City of North Dade Proposed Revenues and Expenditures Analysis
Estimated Revenues

Finally, because of the nature and limited uses for impact fees \$268,600 collected in Police and park impact fees will be used for capital improvements.

Non-Recurring Revenues	County Draft Budget	MAC Proposed City of North Dade Analysis
Impact fees for Police and Parks	\$ 268,616	\$ 268,600
Federal, State and Local Grants	N/A	100,000
County Identified Existing Grants	<u>10,479,830</u>	<u>10,479,830</u>
Total Non-Recurring Revenues	\$10,748,446	\$10,848,430

**MEMORANDUM**Amended
Substitute
Agenda Item No. 4(A)**TO:** Honorable Chairperson and Members
Board of County Commissioners**DATE:** February 26, 2002**FROM:** Steve Shiver
County Manager**SUBJECT:** Incorporation and
Annexation Report and
Policy Recommendations

0#02-26

This substitute provides additional language clarifying the purpose of the mitigation payments, eliminating language regarding sustainability that is not relevant to this item, and modifying language related to the local patrol contract with the Miami-Dade Police Department to require a minimum term of three years.

Recommendation

It is recommended that the Board approve the attached ordinance requiring new municipalities to retain the County for regional-type municipal services and mitigate their departure from the Unincorporated Municipal Service Area (UMSA).

Background

On July 12, 2001, I transmitted to the Board the *Incorporation and Annexation Report and Policy Recommendations*. The attached ordinance implements the recommendation relating to retention of regional-type municipal services and mitigation as outlined in the report.

The financial mitigation component of the proposed ordinance will help reduce the adverse fiscal impact that some incorporations could create. The retention of regional services such as fire-rescue, library and specialized police, will also help minimize adverse fiscal and service impacts that numerous incorporations would produce.

Cmo07002



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: February 26, 2002

FROM: 
Robert A. Ginsburg
County Attorney

Amended
Substitute
SUBJECT: Agenda Item No. 4(A)

Please note any items checked.

- "4-Day Rule" (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 private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

Approved _____ Mayor
Veto _____
Override _____

Amended
Substitute
Agenda Item No. 4(A)
2-26-02

ORDINANCE NO. 02-26

ORDINANCE RELATING TO INCORPORATION PROCEDURES; CREATING SECTION 20-26 OF THE CODE OF MIAMI-DADE COUNTY; REQUIRING NEW MUNICIPALITIES TO REMAIN IN THE FIRE AND LIBRARY DISTRICTS, CONTRACT WITH THE COUNTY FOR LOCAL PATROL POLICE SERVICES FOR AT LEAST THREE YEARS, AND PAY FOR AND RECEIVE SPECIALIZED POLICE SERVICES FROM THE COUNTY; REQUIRING NEW MUNICIPALITIES TO BE REVENUE NEUTRAL OR MITIGATE THEIR DEPARTURE FROM UMSA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, requirements should be adopted by the Board of County Commissioners which would minimize or eliminate any adverse fiscal impact on the unincorporated municipal service area budget due to incorporations and annexations; and

WHEREAS, requiring prospective municipalities to receive fire, library, solid waste and specialized police services from the County as a condition of incorporation will help to insure that Miami-Dade County can effectively and efficiently provide these regional-type municipal services to the remaining unincorporated areas and cities who rely on the provision of these services by the County; and

Amended
Substitute
Agenda Item No. 4(A)
Page 2

WHEREAS, requiring prospective municipalities to contract with Miami-Dade County for local police and other local police services is an arrangement that would result in a measure of stability for the County's police department budget and new municipalities which would receive superior, experienced, local police services; and

WHEREAS, requiring certain, prospective municipalities, as a condition of incorporation, to mitigate the effects of incorporation by making an annual mitigation payment into the Municipal Services Trust Fund in the Unincorporated Municipal Services Area budget ("MSTF") would help to ensure the continued provision of much needed quality services (primarily police services) to the remaining unincorporated areas of the County; and

WHEREAS, ensuring the provision of police services to all areas of unincorporated Miami-Dade County, including areas that have a demonstrated, high need for local police services, will benefit the incorporated areas of the County, because crime does not respect political boundaries .

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

Section 1. The foregoing recitations are hereby incorporated into this ordinance.

Section 2. Section 20-26 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Amended
Substitute
Agenda Item No. 4(A)
Page 3

>>Section 20-26. Future Municipalities' Obligations to the County

- (a) As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to remain a part of the Miami-Dade County Fire-Rescue District and the Miami-Dade County Library System in perpetuity.
- (b) As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree in perpetuity to contract with the Miami-Dade County Police Department ("MDPD") and pay for specialized police services from its municipal millage or other municipal funds. For purposes of this subsection, specialized police services include, but are not limited to, narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, environmental crimes, domestic crimes, and crime scene investigations; property and evidence efforts; tactical operations activities; and aviation patrol.
- (c) As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to contract with the Miami Dade County Police Department ("MDPD") and pay for local patrol police services for three years or such longer period of time as may be requested by the municipality.
- (d) The fiscal impact of an incorporation on the remainder of the unincorporated area shall be revenue neutral; provided, however, any municipality which does not meet the foregoing requirement, as a condition of incorporation
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