

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, MARCH 30, 2005

FISHER ISLAND TENNIS CENTER

1. Call to Order

With MAC Chairperson, Ira Ostrow presiding, the March 30, 2005 Fisher Island MAC meeting was called to order at 6:15 PM.

2. Role Call

Present were the following:

Carolyn Sakolsky
Jorge Garcia
Robert Vole
Javier Acosta
Ira Ostrow

Mr. Michael Pearce and Mr. William Charouhis were missing.

3. Approval of Minutes

Mr. Ostrow called for a motion to approve the Minutes of the 1/26/05 meeting. The motion was called and seconded a vote was taken and the Minutes were approved.

The Minutes of the 2/23/05 meeting were distributed to MAC members and to Jason Rodriguez. Those minutes will be reviewed and approved at the next meeting.

4. Presentations

Paul Muriello, Assistant Director of Disposal Operations, Miami-Dade Department of Solid Waste: Mr. Muriello explained that there is a rare situation on Fisher Island. His department is in charge of collecting waste from residential units in Dade County. There is a code that identifies what a residential unit is. He feels Fisher Island does not meet the code and therefore they would not be doing any collection. The way that the County Code is structured the County always retains the right to collect waste in an area that incorporates subsequent to February 1996. So if there should be need in the future, then the county would come in.

Ms. Sakolsky explained that currently there are two private companies that handle

waste. She requested a copy of the ordinance for her records, as she is preparing the conceptual plan.

Mr. Muriello explained if residential units were to exist in the future, they are not required to contract with County waste management. As far as he knows, they have no plan to do any waste collection at Fisher Island.

Mr. Muriello passed out copies of the code to MAC members and to Jason Rodriguez.

5. Pending Business

Miami-Dade Police Department - Follow-up Discussion:

Mr. Ostrow provided brief background information on the issue with Miami-Dade Police Department. He explained that Fisher Island has its own security department paid for by FICA. The officers serve the island over three shifts. He explained the county requirement to contract with Miami-Dade PD for a period of three years and a fourth year if needed for transition. Some municipality keep MDPD some create their own police force. Mr. Ostrow explained that the first two meetings provided information and the island's needs have been discussed. The MDPD is here today to present a new proposal for the island.

Captain Jim O'Donnell introduced himself as head of the department that handles incorporations. He explained that at the last meeting with the MAC there were some interpretation issues that the legal department went back and looked over again. They now have come up with three proposals.

There is the original proposal that they began with is the baseline. He handed out packages to the MAC members. Capt. O'Donnell explained that the information provided is compiled by the Florida Department of Law Enforcement and includes Miami-Dade, Broward and Palm Beach counties. The spreadsheet shows Indian Creek has 11 officers for a population of 31 people. They looked at Palm Beach because they also have a lot of small population areas.

Alternative #2 being proposed 1 sergeant and 9 officers permanently assigned to the island working a 24/7 shift for a cost of \$1,153,122. That is for the same people day in and day out that you can look at and identify with.

Alternative #3 calls for 2 officers per shift assigned exclusively to Fisher Island. They can be wherever City Manager decides. The officers will be available 24/7. This proposal depends on who is working that day. They will not be dedicated

officers. It will be at the discretion of the city where to place the officers and whether you want them on the island or not although you are paying for them. The cost for this alternative is \$826,476 prorating a sergeant. The sergeant would be a flat rate. This is for 24/7 coverage.

Mr. Ostrow point out that these figures must be looked at because the difference between the first proposal and alternative number three is very large. The first proposal included 17 people at a much lower cost than the proposal for 3 people.

Capt. O'Donnell explains that for reasons of security and responsibilities of newly formed city, Alternative #3 is the lowest number of personnel they can go.

MAC members discuss the fact that Fisher Island will remain a private island and that the police department will only patrol a small public area that will be off island and only come onto the island on a 911 basis. Members believe that there is no need to change the current service by MDPD once the island is incorporated. The cost for current services is significantly below the cost of the new alternative #3.

Jorge Garcia reiterated for clarification for the public that once incorporated Fisher Island will continue to be private. The police is not invited to patrol the private areas of the island. The only public area will be off island – not inside the island, not the private roads, condo associations etc.

Mr. Ostrow reiterated that if the island does not maintain privacy it will not incorporate. Our security system will remain in force.

Mr. Ostrow explained to Capt. O'Donnell that if they were to accept the latest proposal it would be more expensive than the total amount of money saved in the UMSA taxes. It would defeat the purpose of the incorporation effort. This proposal would mean that we would be spending more than we would make and that makes no sense.

Mr. Ostrow feels that the MAC should put together its own proposal to the Police Department. The MAC has budgeted \$125,000 for public safety. If need be the matter can be tested in the courts.

General Discussion on Incorporation:

Audience participant asks if the committee has looked into the legalities of having city hall off island.

Mr. Ostrow explained that it is documented over and over again that Fisher Island

is a private island. Miami-Dade's department of budgeting has said repeatedly sorry we can't give you anything because you are a private island. That is public record. Additionally, the firm of Stearns Weaver is developing an opinion letter for the MAC. That opinion letter is being done in response to community request that the MAC move further and attempt to be sure. If necessary, there is the opportunity to bring the matter before the Florida Supreme Court. Mr. Ostrow stressed that unless privacy cannot be guaranteed incorporation will not take place.

Audience member refers to an opinion from the Attorney General's Office regarding another municipality. He feels very strongly that the committee should concentrate on securing the basic issue of privacy before continuing on other matters.

Mr. Garcia explained that he is in possession of the same documentation and that this information was incomplete and misconstrued. This information will be discussed in more detail further in the meeting.

Ms. Sokolsky explained that she has the same concerns as everyone else. The island cannot use a dollar of tax collector money for any improvements.

Resident feels that until the MAC members are willing to write a letter with all their names putting themselves on the line for the privacy issue he doesn't see it going forward.

Mr. Ostrow reiterates what he has said earlier. If the MAC has not done enough to guarantee the privacy of the community they will not recommend incorporation.

Mr. Ostrow explains that the MAC is in process. That when boundaries are presented to the county they will include the island and the terminal island. Terminal island is currently owned by Miami Beach, but the MAC will seek to have it de-annexed and turned over to Miami-Dade so that it can become part of Fisher Island. Town hall would be built there as an addition to what is now the security shack. A simple two story office building to act as town hall.

Ms. Sakolsky explained that there are three positions they are looking at as part of the process of the MAC. She explains that the opinion that the gentleman is relying on is regarding a municipality where there was a subterfuge because there was a piece of property that was not part of the boundaries when it was incorporated that was being used as a city hall.

Mr. Ostrow explained that if they wanted to put town hall in Pinecrest and say it's Fisher Island, that would be subterfuge.

Jorge Garcia brings the committee and audience participants' attention to a letter that was sent to residents by a Mr. Armin Mattli. The letter refers to Mr. Mattli being "in position of a letter signed by Mr. Craig Collier, Assistant County Attorney, which states that Fisher Island would have less exclusivity as a municipality than it currently enjoys as a purely private development." The letter was dated March 10, 2005. Mr. Garcia goes on to explain that when he received the letter he recalled that the MAC had asked through a letter sent to Jason Rodriguez to be given to the county attorney.

Jason Rodriguez clarifies that in late October the committee asked Mr. Charouhis to write a letter to the county attorney regarding the privacy of the island, etc. Subsequent to that request, Mr. Charouhis has not been present at the meetings with the exception of the public hearing. Therefore, the letter has not been discussed.

Mr. Garcia points out that the letter also include other questions that were posted to the county attorney. The County Attorney responded to the letter of November 8 on November 19. Mr. Garcia read the letter from the County Attorney aloud. Mr. Garcia finds odd that the contents of this letter is repeated verbatim on a letter written by Mr. Mattli on March 10. Mr. Garcia inquires as to why this letter from the County Attorney was not brought up and clarified at the January meeting. If Mr. Charouhis could not make the meeting Mr. Rodriguez should have been provided a copy so that he in turn could present it to the chairman for discussion with the MAC. Behind the letter from the County Attorney is the case study that Mr. Mattli was referring to, which was not disseminated to anyone (copies available), and basically says that interlocal agreements are not permissible. This means one city to another cannot share their city hall. However, you can go to legislation for special law to permit those actions. So in reality you can go to legislation. Mr. Garcia asks that if residents receive information regarding the incorporation, please visit the website and become informed before speculating.

Mr. Ostrow welcomes everyone to bring issues to the MAC so the committee can openly address any concerns.

Pro Forma Budget Discussion:

Mr. Ostrow provides the Dept. of Incorporation with a copy of the pro forma budget. He provided a quick review of the pro forma budget. He points out that certain items will change with the passing of time. He feels it is a typical budget and speaks to revenues and expenses, etc. It is available on the website for viewing.

Ethics Training:

Mr. Ostrow explains that they are required to have ethics training. He has asked Mr. Rodriguez if it can be done when Team Metro comes to train the community counsel. A date will be set when all of the MAC members and community counsel members could all meet at the same time. Perhaps an hour before the next community counsel meeting of April 5.

Jason says the first thing to do is verify the training commissions availability.

6. Next MAC Meeting: Wednesday, April 27, 2005; 6 PM

Javier Acosta wants Jason Rodriguez to state the policy for MAC member attendance requirements.

Mr. Ostrow further explains that there are two members that have not been present in four months.

Jason states that the clerk requires members must be active participants. They must attend or provide valid excuses for lack of attendance. A member can be replaced by the commissioner who made the appointment if the member has missed two consecutive meetings or three meetings in a calendar year, which both members have missed.

Javier Acosta makes a motion to ask the members that have not attended the meetings to resign. Motion was seconded and approved unanimously.

Mr. Ostrow made public the response from the City of Miami Beach regarding his letter to them regarding the de-annexing of the ferry terminal.

7. Adjournment: Motion was made for adjournment and seconded and the meeting was adjourned.