

MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Stephen P. Clark Government Center
111 N.W. 1st Street
18th Floor – Conference Rooms 18-3 & 18-4

October 3, 2007
As Advertised

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**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
OCTOBER 3, 2007**

The Charter Review Task Force convened in a meeting on October 3, 2007, at 10:00 a.m. on the 18th Floor, Conference Rooms 18-3 & 18-4, of the Stephen P. Clark Government Center, 111 N.W. 1st Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz and members Ms. Lynn Dannheiser; Mr. Miguel De Grandy; Mayor David Dermer; Carlos Diaz-Padron, former Mayor of the City of West Miami; Mayor Shirley Gibson; Commissioner Carlos A. Gimenez; Mr. Robert A. Ginsburg; Mr. Murray Greenberg; Mr. Larry Handfield; Mr. John Hogan; Mr. Robert Holland; Mr. Francois Illas; Mr. Jorge Luis Lopez; Raul L. Martinez, former Mayor of the City of Hialeah; Mr. H. T. Smith; Ms. Yvonne Soler-McKinley and Mr. Ignacio Vazquez (Maurice Ferre, former Mayor of the City of Miami; Ms. Elizabeth Hernandez; and Mr. Richard Kuper were absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:19 a.m.

2. Roll Call

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Cynthia Johnson-Stacks, Monica Rizo and Craig Coller; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Doris Dickens and Judy Marsh.

3. Minutes and Reports of Statements

A. Approval of September 19, 2007 meeting minutes

Chairman Diaz noted approval of the foregoing meeting minutes would be considered later in today's meeting.

4. Reports

A. Updated List of Issues

Chairman Diaz noted based on motions made at the September 19, 2007 Task Force meeting, an updated list of issues was included in today's agenda package.

B. Status of Extension of Time & Other Board Resolutions

Chairman Diaz advised that yesterday (10/2) the County Commission approved a resolution extending the Task Force to January 29, 2008 and requiring the Task Force to submit an initial report by October 31, 2007. He noted staff would email the County Commission's discussion on this item to the Task Force members. Chairman Diaz asked each Task Force member to reflect on the comments made by commissioners regarding the seeming independence of the Task Force and issues the County Commission felt the Task Force should not be addressing. He expressed appreciation to County Commission Chairman Bruno A. Barreiro for sponsoring the resolution extending the Task Force. He also expressed appreciation to Assistant County Attorney Cynthia Johnson-Stacks and Commissioner Gimenez for responding to concerns raised by commissioners.

Chairman Diaz referred to two pending resolutions, one of which he noted would add a representative from the Haitian-American Community to the Task Force and was scheduled for consideration by the Governmental Operations and Environment Committee on October 12, 2007. If approved, Chairman Diaz noted this resolution would increase the membership of the Task Force to 22 members.

C. Initial Report to Board – Due on October 31, 2007

Chairman Diaz noted the Task Force needed to discuss the initial report to the County Commission, which was due on October 31, 2007. He said the Commission expressed a desire to see final recommendations on whether the four appointed constitutional positions should be elected positions, and he felt it was incumbent upon the Task Force to provide the Commission with a final recommendation regarding these positions. Chairman Diaz noted the Task Force adopted motions regarding three of the positions; however, there was a tie vote on whether the Property Appraiser should be an elected position. He said he felt it was important that the Task Force make a definitive recommendation that reflected a consensus. Consequently, Chairman Diaz noted the Property Appraiser position would either be considered later today or as the first order of business on October 17, 2007.

Chairman Diaz opened the floor for suggestions regarding the format of the final report.

Mr. Lopez reminded the Task Force of the audience who would be reading the report. He noted the County Commission would be receiving the final report and it should be balanced with different views expressed by the Task Force members. Mr. Lopez noted the format of the report should be sensitive to the audience and built on the platform already established by this Task Force.

Mr. Ginsburg suggested the report be prepared in a bullet point format reflecting the issues discussed and the action taken by Task Force members, rather than an advocacy type brief.

Chairman Diaz said the report could indicate how the Task Force reached specific conclusions and recommendations and the various issues that were explored. He asked staff to prepare a draft of the report for the October 17th meeting. Chairman Diaz noted the Task Force decided to develop preliminary recommendations, which he recommended also be discussed on October 17th.

D. Public Input/E-mails & Media

Chairman Diaz said 5,204 people visited the Task Force's Website and additional email comments received were included in today's agenda package. He noted the Website would be updated to include all recommendations made to date.

5. New Business

Discussion of Issue 5 – Study of Municipalities and Unincorporated Municipal Service Area (UMSA)

- Creating/Abolishing Municipalities
- Separation of Powers or Responsibilities between the County and Municipalities
- Annexation/Incorporation in effort to eliminate UMSA

1. Incorporation/Annexation Presentation – Office of Strategic Business Management

Ms. Jennifer Glazer Moon, Director, Office of Strategic Business Management, provided an overview of incorporations and annexations in Miami-Dade County. She noted the Charter has broad powers and incorporations and annexations could be adopted by Code and adjusted by the County Commission without Charter revisions. Ms. Glazer-Moon discussed the history of incorporations and annexations with emphasis on the following topics: Charter requirements, Code requirements, Incorporated area versus the Unincorporated Municipal Service Area (UMSA), Incorporation in the 1990s, Board of County Commissioners (BCC)-adopted policies, Incorporation 2000 to Present, Recent BCC Actions, Current Annexation Applications, and Non-Revenue Neutral Municipalities.

Ms. Glazer-Moon said sometimes incorporations and annexations had unintended service consequences and voter turnout for incorporation elections was typically low. She noted only Key Biscayne had a voter turnout of greater than 50% and only 30% of the registered voters in Cutler Bay voted on incorporation. Ms. Glazer-Moon suggested these elections be tied to Countywide or presidential elections in order to increase voter turnout. She emphasized the

importance of maintaining regional type services including fire rescue service, local patrol services, specialized police services, solid waste services, water and sewer services, and libraries. Referring to specialized police services, Ms. Glazer-Moon noted the County was phasing out the charges for these services because it was a County obligation.

Ms. Glazer-Moon noted policy considerations that could potentially impact incorporations and annexations included the proposal to amend the Charter to grant the County Commission authority to force the annexation of enclaves surrounded by one or more municipalities; and the proposal to amend the Charter to require that future annexations and incorporations be approved by voters from the respective areas to be annexed and incorporated as well as the remaining unincorporated area.

2. Redistricting by Independent Bodies – County Attorney’s Office

Assistant County Attorney Monica Rizo provided an overview on redistricting by independent bodies. She advised that while no known counties in the State of Florida had independent redistricting bodies, Miami-Dade County’s Home Rule Charter provided the creation of an independent body to develop a redistricting plan. Ms. Rizo noted research indicated other jurisdictions throughout the nation had created independent bodies. She distributed an excerpt of a similar redistricting plan for King County, Washington in support of her comments.

Ms. Rizo pointed out that in 2004, the State of California and the State of Ohio proposed Constitutional amendments to allow the creation of independent redistricting via independent bodies, which was rejected by the voters. Ms. Rizo said the State of Arizona amended its Constitution to provide for an independent redistricting body and several of its counties adopted independent redistricting bodies for their local governments.

Chairman Diaz opened the floor for questions on the foregoing presentations.

In response to Chairman Diaz, Ms. Glazer-Moon noted the following reports would be made available for review by Task Force members:

The Citizen’s Advisory Committee on Countywide Incorporation (1992);

The Citizen’s Task Force on Incorporation (1994);

The Revenue Sharing Task Force (1997); and

The Executive Summary from a 2001 staff report.

Ms. Glazer-Moon noted the report requested by the County Commission detailing the impacts of incorporation and annexation since 2000 was submitted to the County Commission. Referring to

Broward County, Ms. Glazer-Moon noted she was unaware of the specific procedures adopted by Broward County to make annexation easier.

Responding to Chairman Diaz, Assistant County Attorney Cynthia Johnson-Stacks advised that the Code codifies the general powers for Community Councils.

Assistant County Attorney Craig Collier advised Community Councils made recommendations on budget items and worked with Team Metro on other issues.

In response to Chairman Diaz' inquiry whether Assistant County Attorney Rizo's research included independent bodies to draw district boundaries in non-partisan elections, Ms. Rizo noted the research ability was limited to information found on the Internet. She indicated that staff reached out to national organizations of counties and State organizations, but had not received a response.

Responding to Mr. Illas, Ms. Glazer-Moon noted she would provide him with a copy of parameters imposed by the State on Broward County.

In response to questions from Mr. Lopez, Ms. Glazer-Moon noted the unincorporated area had the third lowest millage rate. Concerning alternative voting methods, Ms. Glazer-Moon said staff had considered mail-in ballots for incorporation elections.

Responding further to Mr. Lopez regarding sustainability, she noted staff looked at sustainability in terms of revenues currently being generated for the particular area and the Municipal Advisory Committee's (MAC) recommendations for service levels. Ms. Glazer-Moon referred to a resolution sponsored by Commissioner Jordan which required an independent third party to look at information being provided by the County and information generated by the MAC regarding service levels.

Responding to Mayor Gibson's inquiries, Ms. Glazer-Moon said the revenue impact of Miami Gardens' incorporation on Miami-Dade County was a net gain to the County. She noted incredible roll growth on the Countywide side, which was partly attributable to incorporation; however, the impact to the unincorporated area could not be mitigated by the Countywide roll growth because it was generated from separate budgets. Concerning specialized police services, Ms. Glazer-Moon noted beginning in Fiscal Year (FY) 06-07 the County began phasing out these payments, the last payments would be made in FY 08-09 and specialized police services would be completely funded by the Countywide millage.

In response to Mr. Illas' inquiry regarding funding for support staff, Ms. Glazer-Moon noted different percentages were applicable to different departments.

Responding to Mr. Martinez, Ms. Glazer-Moon noted 70% of her salary was paid from Countywide and 30% from UMSA based on the calculations conducted each year, and applied proportionately to specific departments.

Chairman Diaz asked Ms. Glazer-Moon to provide the Task Force members with a report outlining the percentages of salary allocations by departments, and the allocation between UMSA and Countywide revenues.

Responding to Commissioner Gimenez' comments regarding the change in the percentages from year-to-year, Ms. Glazer-Moon noted the percentages changed on an annual basis based on population and the relative effort of the activities of the department.

In response to Mr. Illas' inquiry, Ms. Glazer-Moon said there were no codified policies or procedures that described the manner in which the percentage calculations were to be made.

Responding to Mr. Martinez' inquiry, Ms. Glazer-Moon noted she would provide the Task Force members with a report prepared by staff on the allocation of specialized police costs.

Ms. Dannheiser referred to the narrative in today's agenda package regarding planned mandatory incorporation and annexation efforts. She noted the Task Force heard testimony during the public hearings, which indicated that a large segment of the population still felt unrepresented and that the County Commission had become too parochial in its views. Ms. Dannheiser said changes in the structure and composition of the County Commission over the last decade had not created a solution, and that for Mayor Gibson and herself the solution was mandatory incorporation and annexation. She noted incorporation and annexation would refocus the County Commission on Countywide issues and allow local governments and their elected officials to more easily reflect the diversity of their neighborhoods, address local concerns, and be far less likely to be subject to court challenges.

Ms. Dannheiser noted over the last decade, there had been resistance and reactivity by the County government and Ms. Glazer-Moon accurately characterized all the various steps that occurred. She noted no one had been able to get a solid accounting of the amounts being taken from the UMSA budget and the Countywide budget. A huge bureaucracy had been created for the purpose of serving the UMSA area and many of the County Commissioners' favorite issues were municipal issues, not Countywide, Ms. Dannheiser contended. She noted municipal governments tend to have a positive impact on property values and the County generally benefited with respect to increased taxes and not having to provide the services it previously did.

Continuing, Ms. Dannheiser said Team Metro and Community Councils were reactions to an outcry from the larger UMSA population for more control. Ms. Dannheiser said mandating that cities stay within the County's structure would not be out of the question and there had been a

net overall benefit to everyone to stay with these services and still maintain local control over those issues with municipal government.

Mayor Dermer referred to the consensus reached by the Task Force on September 19, 2007 that district elections be retained with a view towards the County driving a municipal incorporation/annexation movement within a reasonable timeframe. He noted it was his understanding that these two issues were linked because the Task Force wanted to maintain district elections with a regional view of what the County should be doing for the future.

It was moved by Mayor Dermer that the Task Force recommend to the County Commission that the Charter be amended to require the County to develop a process to incorporate or annex all unincorporated areas within Miami-Dade County within five years and that this amendment be placed on the ballot. This motion was seconded by Ms. Dannheiser.

Discussion ensued on the foregoing motion.

Mr. De Grandy noted the Task Force needed to first consider whether the entire County should be incorporated and how this could be accomplished. He said the only way to incorporate the entire County was to delete Sections 6.04 and 6.05 from the Charter and grant the County Commission the power to incorporate and annex. Mr. De Grandy noted he felt the only alternative was to give the power to the County Commission to impose annexations and incorporations without the will of the people.

Concerning questions raised by Mr. Smith regarding the September 19, 2007 Task Force meeting minutes, Mayor Dermer noted prior to a vote being taken there was discussion on UMMA; and annexation and incorporation as it related to the regionalization issue with the districts.

Mr. Lopez said he felt the motion was premature. He noted he did not support the motion because he felt the issues should not be linked. Mr. Lopez said a number of unanswered questions still existed regarding incorporation, and he felt this body should have a fundamental discussion about incorporation on its merit. He emphasized the need for this Task Force to study the consequences of incorporation before committing on a preliminary basis to further analysis.

Commissioner Gimenez said he would not support the motion because it removed the power of the people to vote. He noted the County did everything in its power to stop incorporation. Referring to mitigation, Commissioner Gimenez said the County lost its moral high ground with the incorporation of Miami Gardens. He noted people should have the right to vote and every city should be treated the same. Commissioner Gimenez suggested the establishment of a Boundaries Commission, which would convene every ten years and make recommendations regarding areas to be incorporated or annexed to be approved by the County Commission.

Chairman Diaz noted the motion on the floor was for the County Commission to devise a system for Countywide incorporation by a certain date.

Mr. Greenberg noted every model for incorporation had been tried in the United States. He said if the County Commission could focus on regional issues, single-member districts would work, but if the Commission was not forced to incorporate the entire County within five years as stated by Mayor Dermer, it would not happen. Mr. Greenberg urged opponents of single-member districts to consider ways of linking the issues.

Chairman Diaz said he would vote against the motion because he felt it was precipitous. He noted he was hesitant to proceed into an area in which prior study and analysis were conducted without having the benefit of that study and analysis. Chairman Diaz indicated while he felt the spirit of the motion was correct, he was concerned that the only way to achieve Countywide incorporation was by eliminating the power of the affected people within the areas to be annexed or incorporated to vote. He expressed concern regarding the voter rights and diversity impacts of incorporation movements since 1991. Chairman Diaz noted he was concerned that the drive to incorporate was not motivated by a desire for better service delivery in municipal areas, but rather the desire of donor communities to keep the money in their areas and the desire of racially segregated communities to self determine, which was not in the County's best interest. Chairman Diaz noted he felt the Task Force had to be sensitive to the prior votes on this issue and the expressed will of the County Commission and County Administration on this issue.

Chairman Diaz said he did not believe regionalization should be achieved through forced incorporation or annexation; that these issues should be achieved through a democratic process. He suggested the Task Force consider Charter recommendations that addressed the threshold for petitions in order to incorporate a new city and the best policies to support annexations, with particular emphasis on the Broward County model. Chairman Diaz suggested Task Force members study these models in order to gain insight on the annexations of enclaves; study and submit recommendations that the County Commission consider revising the elections process to address concerns raised regarding the timing and low voter turnout in annexation and incorporation elections. He also suggested Task Force members address policies and procedures pertaining to revenue impacts and a Countywide focus on regional services.

Mayor Dermer noted the Task Force members must ask themselves whether they wanted to remain with the status quo or whether they wanted the County Commission to have a regional approach.

Mr. Martinez noted he raised this issue when the Task Force started its deliberations and he felt the voters should be allowed to decide whether they wanted to keep the current system and if so, to be given an opportunity to vote on the structure.

Ms. Soler-Mckinley said voter turnout in general nationwide was low and she suggested separating annexations from incorporations. She noted the voters had to decide whether the County would be out of the municipal business and in the regional business. She emphasized the importance of all issues being considered equally. Ms. Soler-McKinley indicated the millage rate for the City of South Miami was 4.881; however, one mill was allocated for garbage collection.

Mr. Holland said the challenges of incorporation included maintaining some of the existing communities, the fiscal viability of many of the areas once they incorporate versus UMMA, and quality of service delivery. He suggested three major cities (South, Western and North Central) be created out of UMMA and those areas considered "a hole in the donut" that wished to become part of these cities could annex onto an existing city if that city was willing to accept them and the voters were willing to support the annexation. Mr. Holland said he disagreed with some of the burdens placed on new cities; however, he expressed concern regarding some of the agreements that were made with donor municipalities who agreed to give back and once they became incorporated, reneged on their agreement. He concurred with Commissioner Gimenez that the City of Miami Gardens should have received some of the proceeds from donor communities that were given back to the County.

In response to Mr. Ginsburg's inquiry, Ms. Soler-McKinley said she was not aware of the League of Cities' position regarding the proposed bill sponsored by Representative Julio Robaina repealing the Home Rule Amendment; however, the City of South Miami Commission had not taken any position regarding the Home Rule Amendment.

Mr. Ginsburg expressed concern regarding Representative Robaina's proposed Bill noting if the Home Rule Amendment was repealed, the County Commission would be stripped of its power to provide regional services. He noted it may not be in the County's best interest to focus the County Commission on providing regional services, particularly considering the State Legislature was seriously considering eliminating the County's Home Rule Amendment, which would jeopardize the County's ability to continue to provide the services.

Mr. De Grandy noted the voter issue could be addressed by recommending that the County Commission had to develop a comprehensive plan for incorporation within a certain timeframe which would be voted on countywide; or that the UMMA be created with its own government.

Chairman Diaz urged the members to look at the potential demographics in the City of UMMA.

Mayor Dermer noted the purpose of his motion was to ensure an incorporation plan was developed by the Commission within the next five years.

Ms. Dannheiser noted the intent of the foregoing motion was to address concerns regarding unresponsiveness on the part of County government and to obtain better representation on the County Commission.

Commissioner Gimenez noted Representative Robaina probably filed the proposed Bill because of abuses of the Home Rule Charter. He suggested the Charter be amended to require that every five years a Boundaries Commission would be established to make recommendations which would then be placed on the ballot and voted upon by the people affected by the proposed change(s).

Following discussion, Mayor Dermer withdrew his motion in order to facilitate further discussion at another meeting.

Mr. Lopez encouraged the members to discuss the merits of any proposals and to come back with ideas on how to proceed with incorporation debate without linking it to any other issues.

Chairman Diaz noted approval of the September 19, 2007 minutes would be considered on October 17, 2007. He asked that any amendments to the minutes be communicated to staff. Chairman Diaz said a final recommendation would be made regarding the Property Appraiser's Office, particularly in light of the County Commission's request for a recommendation on whether this position should be appointed or elected. Additionally, he noted, the Task Force would review the prior preliminary recommendations before submitting a final report at which time modifications could be made to the preliminary recommendations. He noted the Task Force would then review a draft of the interim reports with adoption of the report on October 31st.

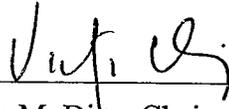
6. **Old Business**

A. **Election of Property Appraiser**

Not considered

7. **Adjournment** – Next meeting on October 17, 2007, 10:00 a.m. SPCC
Conference Rooms 18-3 & 4

There being no further business to come before the Task Force, the meeting was adjourned at 1:22 p.m.



Victor M. Diaz, Chairman
Charter Review Task Force