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## **Charter Review Task Force Meeting**

Wednesday, October 3, 2007

10:00 am

Stephen P. Clark Government Center

111 NW 1<sup>st</sup> Street

18<sup>th</sup> Floor – Conference Rooms 18-3 & 18-4

### **FINAL AGENDA**

1. Call to Order
2. Roll Call
3. Minutes and Reports of Statements
  - A. Approval of September 19, 2007 meeting minutes (attached)
4. Reports
  - A. Updated List of Issues
  - B. Status of Extension of Time & Other Board Resolutions (attached)
  - C. Initial Report to Board – Due on October 31, 2007
  - D. Public Input/E-mails & Media
5. New Business
  - A. 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
    2. Redistricting by Independent Bodies – County Attorney's Office
6. Old Business
  - A. Election of Property Appraiser
7. Adjournment – Next meeting on October 17, 2007, 10:00 am  
SPCC Conference Rooms 18-3 & 4

**Charter Review Task Force  
October 3, 2007**

**FINAL AGENDA PACKAGE**

Please be reminded that discussions among or between members regarding matters which might be considered by the Task Force must be held in accordance with the requirements of the Sunshine Law. Therefore, please reserve any discussion with Task Force members regarding information in your agenda packet and other Task Force topics, until the Task Force meets.

**3-A**

**CLERK'S SUMMARY AND OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE MEETING  
SEPTEMBER 19, 2007**

The Charter Review Task Force convened in a meeting on September 19, 2007, at 10:00 a.m. in the Vizcaya Village "Garage", 3250 South Miami Avenue (Museum of Science Parking Lot), Miami, Florida. The following members were present: Chairman Victor M. Diaz and members Mr. Miguel De Grandy; Commissioner Carlos A. Gimenez; Mr. Robert A. Ginsburg; Mr. Murray A. Greenberg; Mr. Larry Handfield; Ms. Elizabeth Hernandez; Mr. John Hogan; Mr. Robert Holland; Mr. Richard Kuper; Mr. H. T. Smith; and Mr. Ignacio Vazquez (Ms. Lynn Dannheiser, City of Miami Beach Mayor David Dermer, City of Miami Gardens Mayor Shirley Gibson, Mr. Francois Illas, Raul L. Martinez, former Mayor of the City of Hialeah, and Ms. Yvonne Soler-McKinley, were late) (Carlos Diaz-Padron, former Mayor of the City of West Miami; and Maurice Ferre, former Mayor of the City of Miami, were absent).

1. Call to Order

The meeting was called to order by Chairman Diaz at 10:05 a.m. which was followed by the roll call.

Chairman Diaz noted Senator Souto had resigned and Jorge Luis Lopez had been appointed in his stead.

2. Roll Call

The following staff members were present: Assistant County Attorneys Joni Armstrong-Coffey, Robert Duval, and Oren Rosenthal; Assistant County Manager Susanne M. Torriente; Assistant to the County Manager Maggie Fernandez; and Ms. Vivian Duyos, Office of Strategic Business Management.

3. Minutes and Reports of Statements

A. Approval of August 29, 2007 meeting minutes

Mr. Greenberg clarified the motion he made at the meeting of August 29, 2007 and asked that the minutes be corrected to reflect the motion as: "It was moved by Mr. Murray Greenberg that not until after all, if any, positions are recommended for election, shall it be determined what conditions, if any, should be placed on those positions." There being no objection, it was moved by Mr. Vasquez that the August 29, 2007 minutes be approved as corrected. This motion was seconded by Mr. Kuper and, upon being put to a vote, passed by a vote of 13-0 (Ms. Dannheiser, Mayor Dermer, Mayor Gibson, Mr. Illas, Mayor Martinez, Ms. Soler-McKinley, Mayor Diaz-Padron, and Mayor Ferre were absent).

B. Approval of September 5, 2007 meeting minutes

It was moved by Ms. Hernandez that the September 5, 2007 minutes be approved. This motion was seconded by Mr. Smith and upon being put to a vote, passed by a vote of 13-0 (Ms. Dannheiser, Mayor Dermer, Mayor Gibson, Mr. Illas, Mayor Martinez, Ms. Soler-McKinley, Mayor Diaz-Padron, and Mayor Ferre were absent).

C. August 22, 2007 Workshop & Public Hearing Report of Statements  
No one responded to Chairman Diaz's invitation for comments.

D. August 28, 2007 Workshop & Public Hearing Report of Statements  
No one responded to Chairman Diaz's invitation for comments.

E. August 30, 2007 Workshop & Public Hearing Report of Statements  
No one responded to Chairman Diaz's invitation for comments.

4. Old Business

Chairman Diaz noted Mayor Ferre had submitted a request to attend the next two Task Force meetings via telephone, and that the County Attorney's Office had advised against this procedure.

It was moved by Mr. Smith that, upon the advice of the County Attorney's Office, Mayor Ferre's request respectfully be denied. This motion was seconded by Mr. Handfield and upon being put to a vote, passed by a vote of 13-0 (Ms. Dannheiser, Mayor Dermer, Mayor Gibson, Mr. Illas, Mayor Martinez, Ms. Soler-McKinley, Mayor Diaz-Padron, and Mayor Ferre were absent).

A. Discussion of Issue 4 – Study of Board of County Commissioners Composition (additional attachments and revised 2005 Tables for Case Study Nos. 2 & 3)

Chairman Diaz noted that included in today's (9/19) meeting packages were case studies of at-large districts. He opened the floor for discussion.

Mr. De Grandy spoke in opposition to changing the current composition of the County Commission and addressed the issues of judging whether parochialism was good or bad, the law of unintended consequences, and violation of the voting rights act. He noted that the tension on the Board of County Commissioners (BCC) between advocates of parochial and regional issues was a healthy balance. Mr. De Grandy also noted that the unintended consequences of changing to a countywide format, whether hybrid or total, was to exclude many qualified candidates from running. Lastly, he noted that in this community, with the polarized voting patterns that existed, district elections were the appropriate election mechanism. A hybrid system, Mr. De Grandy said, he believed would have the effect of diluting existing minority strength and violate the Voting Rights Act in this community.

Mr. Greenberg noted that this Task Force would not make the decision on the subject, but would make a recommendation to the BCC.

Mr. Ginsburg noted he had placed a proposal in today's packages which combined the district election system and the merit-retention type of system that preceded the district election system. He expressed support for the pending motion, but noted if the motion failed, he would like for his proposal to be discussed and he would be prepared to make a motion accordingly.

Discussion ensued regarding Mr. De Grandy's comments; Mr. Ginsburg's proposal; minority representation; diversity along ethnic and racial lines; merit-retention; at-large, district, and hybrid systems; problems involving deference to a district commissioner on the BCC; review of Article VI of the County's charter; proportional representation; incorporating the Unincorporated Municipal Services Area (UMSA); annexation and incorporation as a solution to current problems; and redistricting and creating access districts as solutions to problems with minority representation.

Following this discussion, Chairman Diaz noted he did not think this Task Force had reached a consensus that the at-large district system should be adopted, but that the group consensus was to retain the current system and move toward incorporation. He suggested that a separate vote be taken on Mr. Ginsburg's proposal.

It was moved by Mr. De Grandy that the Task Force recommend to the County Commission that the current system of electing commissioners by districts be retained. This motion was seconded by Mr. Vasquez.

Mr. Greenberg offered friendly amendments to the pending motion regarding countywide incorporation, addressing the powers of the BCC by revisiting the Charter, and creating an independent body to redraw the districts.

Mr. De Grandy noted he could not accept the amendments at this time.

The Task Force proceeded to vote upon the pending motion, which passed by a vote of 17 to 1 (Mr. Greenberg voted "No") (Mayor Diaz-Padron, Mayor Ferre, and Mayor Martinez were absent).

Following discussion on Mr. Ginsburg's proposal, whether a model for incorporating UMSA existed, and whether or not this Task Force should recommend countywide incorporation, Chairman Diaz asked the county attorneys to submit a report on models from other communities illustrating independent bodies that guided the redistricting process and a potential independent body in this community. He invited any Task Force member who wished to submit a proposal illustrating a potential independent redistricting body to do so, noting the report and proposals had to be submitted before Thursday September 27, 2007.

B. Discussion of Issue 5-Study of Initiative, Referendum, Petition & Recall

Chairman Diaz noted that this agenda item was deferred.

5. New Business

A. List of Issues for Study-Updated

It was moved by Mr. Greenberg that the Task Force add to its List of Issues for Study, whether or not an independent body should be in charge of the redistricting process. This motion was seconded by Mayor Gibson and upon being put to a vote, passed by a vote of 18-0 (Mayor Diaz-Padron, Mayor Ferre and Mayor Martinez were absent).

It was moved by Ms. Dannheiser that the Task Force add to its List of Issues for Study, Annexation/Incorporation in an effort to eliminate the Unincorporated Municipal Service Area (UMSA). Commissioner Gimenez seconded this motion and upon being put to a vote passed by a vote of 18-0 (Mayor Diaz-Padron, Mayor Ferre and Mayor Martinez were absent).

6. Reports

A. Extension of Time-Board and League Resolutions

Chairman Diaz noted the Task Force requested an extension until January 29, 2008 in order to complete its final report. He noted this request, in the form of a proposed resolution, would be submitted to the BCC for consideration. He noted the resolution called for an interim report by the original due date of October 31, 2007.

Chairman Diaz noted that today's package contained a resolution adopted by the League of Cities encouraging the BCC to grant the extension and emphasized that it was important for Task Force members to communicate with their appointing commissioners regarding any other resolutions or opinions related to the request for extension of time. He then opened the floor for discussion.

Chairman Diaz noted that based on discussions and a vote at the September 5, 2007 meeting, this Task Force was divided on the issue of whether the Property Appraiser position should be an elected or appointed position. The Task Force's preliminary recommendation could be that the Task Force was split on the issue, he noted. However, he added, if any Task Force member desired further discussion, he would place this issue on the next Task Force meeting agenda. Chairman Diaz added that Task Force members should communicate to the BCC their views on this issue, possibly in their final recommendations.

Following discussion on procedures regarding preliminary votes and interim recommendations, Chairman Diaz noted these procedures should be discussed at the next meeting or the first meeting in October.

B. Public Input/E-mails & Media

Not presented

7. Adjournment

There being no further business to come before the Task Force, the meeting was adjourned at 12:39 p.m.

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Victor M. Diaz, Chairman  
Charter Review Task Force

**4-B**



**Miami-Dade Legislative Item  
File Number: 072593**

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<b>File Number:</b> 072593	<b>File Type:</b> Resolution	<b>Status:</b> In Committee
<b>Version:</b> 0	<b>Reference:</b>	<b>Control:</b> Governmental Operations and Environment Committee
<b>File Name:</b> ADD HAITIAN MEMBER TO CHARTER REVIEW TASK FORCE		<b>Introduced:</b> 8/30/2007
<b>Requester:</b> NONE	<b>Cost:</b>	<b>Final Action:</b>
<b>Agenda Date:</b> 11/6/2007		<b>Agenda Item Number:</b> 11A

**Notes:**

**Title:** RESOLUTION AMENDING RESOLUTION NO. R-462-07 TO EXPAND THE SIZE OF THE CHARTER REVIEW TASK FORCE TO 22 MEMBERS AND TO ADD KAREN ANDRE AS A REPRESENTATIVE OF MIAMI-DADE COUNTY'S HAITIAN-AMERICAN COMMUNITY ON THE CHARTER REVIEW TASK FORCE

**Indexes:** TASK FORCE  
CHARTER REVIEW      **Sponsors:** Audrey M. Edmonson

**Sunset Provision:** No**Effective Date:****Expiration Date:****Registered Lobbyist:** None Listed**LEGISLATIVE HISTORY**

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
County Attorney	9/12/2007		Assigned	Governmental Operations and Environment Committee		10/12/2007	
County Attorney	8/30/2007		Assigned	Monica Rizo	8/30/2007		

**LEGISLATIVE TEXT****TITLE**

RESOLUTION AMENDING RESOLUTION NO. R-462-07 TO EXPAND THE SIZE OF THE CHARTER REVIEW TASK FORCE TO 22 MEMBERS AND TO ADD KAREN ANDRE AS A REPRESENTATIVE OF MIAMI-DADE COUNTY'S HAITIAN-AMERICAN COMMUNITY ON THE CHARTER REVIEW TASK FORCE

**BODY**

WHEREAS, the Charter Review Task Force was created on April 24, 2007, pursuant to Resolution No. R-462-07, and was to consist of 21 members; and  
 WHEREAS, no current member of the Charter Review Task Force is Haitian-American; and  
 WHEREAS, the Charter Review Task Force has been conducting its meetings and public hearings, during which time there have been repeated requests to add a representative of the Haitian-American community as a member of the Charter Review Task Force; and  
 WHEREAS, this community is an integral part of Miami-Dade County and should have direct input into the Charter Review process; and  
 WHEREAS, Karen Andre is a Haitian-American resident of Miami-Dade County who is intimately familiar, and works closely, with Miami-Dade County's Haitian-American community,  
 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:  
 Section 1. This Board amends Resolution No. R-462-07 to expand the size of the Charter Review Task Force to 22 members and to add Karen Andre as a representative of Miami-Dade County's Haitian-American Community in the Charter Review process.  
 Section 2. Karen Andre shall commence her participation as a member of the Charter Review Task Force immediately after the effective date of this resolution.

## Fernandez, Margarita (CMO)

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**From:** Jean Lafortune [hagc2020@yahoo.com]  
**Sent:** Tuesday, October 02, 2007 11:18 AM  
**To:** Fernandez, Margarita (CMO)  
**Cc:** Moore, Shania (COC); Marleine Bastien; hagc2020@yahoo.com; gepsie metellus; muslima lewis; Kandrejustice@yahoo.com; steveforester@aol.com; brad brown  
**Subject:** Re: PLease distribute to all Charter Review Task Force members for consideration -Hard copy to be forwarded under different cover

The Haitian-American Grassroots Coalition Fair Representation Project  
 Proposal to the Miami-Dade County Charter Review Task Force

The Haitian American Grassroots Coalition (HAGC) consists of 15 organizations dedicated to securing justice for the Haitian community. Its Fair Representation Project is designed to promote representation and inclusion of Haitian-Americans in elected and policy-making decisions at the local, state, and federal levels. It reflects the community's concern about inadequate allocations of federal, state, and local resources due to significant census undercounts in areas with high concentrations of Haitians. Fair and direct representation is our right as American citizens.

The Fair Representation Project seeks to accomplish the goals of the Haitian-American community through a fair electoral process. Since the object of districting is to establish fair and effective representation for all citizens, single-member districts have been highly regarded as an effective method of achieving minority electoral success. Researchers have thoroughly documented the significant increase in minorities elected to office after the 1990s redistricting, due to the increase in majority-minority districts. In *Meek vs. Metro-Dade County Commission* (1993), the federal court ordered the implementation of a single-member commission district formula to increase fairness in the electoral process and allow minorities to elect candidates of choice.

**HAGC proposes that the Miami-Dade County Charter Review Task-Force recommend an increase in the number of single-member districts in the County Commission to insure fair representation for all minority groups.**

Miami-Dade elections continue to produce government that fails to fully reflect the diversity of its citizens. In particular, our county commission continues to under-represent various minorities. Today, Haitian-American presence is not reflected in local government despite our growing numbers as more and more Haitians become U.S. citizens.

The Haitian American Grassroots Coalition (HAGC) embraces and adheres to traditional redistricting principles. We believe that a fair redistricting plan that increases the number of single-member districts and complies with the Voting Rights Act will be a positive step toward inclusion and will increase the opportunity for Haitian Americans to elect a candidate of their choice. We need a plan that creates a more inclusive county government reflective of our diversity, one that would make Miami-Dade County Commission elections fairer, provide voters with more meaningful choices, and produce a government more truly representative of the public.

The goals suggested herein were met by the county commission district boundaries which existed prior to 2002. An unfortunate result of redistricting at that time was to dilute Haitian-American voting strength; one way to meet the policy goals suggested herein would be to make every effort to revert to the district lines which existed before that date.

Most importantly, if an independent body is created to redraw district lines, we recommend that such a body's mandate and authority should include increasing the number of single-member districts and all other means of effectuating the fair representation goals suggested herein.

These goals cannot wait. For the future, we also recommend establishment of an independent redistricting body to redistrict every ten years upon conclusion of the census.

**HAGC proposes that the Miami-Dade County Charter Review Task-Force oppose the plan to create At-Large Seats on the Miami-Dade County Commission.**

The proposed addition of four at-large county commission seats would have the effect of diluting the representation of minority voters in Miami-Dade County. The history of voting rights in the United States is replete with evidence demonstrating the flaws of at-large election systems and their adverse effect on minority voting strength. At-large voting systems and the racially polarized voting that usually accompanies such systems have an extremely dilutive effect on minority communities. Returning to at-large seats would turn back the hands of time with respect to minority gains, rights, and representation, especially at a time when Miami-Dade County is growing increasingly diverse and is heralded as a model of ethnic diversity for the country. For these reasons, the Fair Representation Project is opposed to an at-large system that will dilute the diversity of voices on the County Commission and potentially violate the rights of minority voters.

When Miami Dade County was created nearly in 1959, County Commissioners were elected on an at-large formula. In 1993, in *Meek vs. Metro-Dade County Commission*, the federal court ordered the implementation of a single commission district formula which provided ethnic minorities with fair representation. Fifteen years later, Dade County has grown so much relative to foreign born individuals that its population is made up of half of those individuals, many of whom are increasingly expressing their lack of representation in the political system because of their language and cultural differences.

We urge the Charter Review Task Force of 2007 to distinguish itself with bold, progressive and visionary formulas that respect, honor and celebrate our representative democracy.

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**Miami-Dade Legislative Item  
File Number: 072902**

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<b>File Number:</b> 072902	<b>File Type:</b> Resolution	<b>Status:</b> In Committee
<b>Version:</b> 0	<b>Reference:</b>	<b>Control:</b> Governmental Operations and Environment Committee
<b>File Name:</b> CHARTER AMENDMENT TO MODIFY QUALIFYING DATES		<b>Introduced:</b> 9/28/2007
<b>Requester:</b> Elections Department	<b>Cost:</b>	<b>Final Action:</b>
<b>Agenda Date:</b> 11/6/2007		<b>Agenda Item Number:</b> 9A10

**Notes:**

**Title:** RESOLUTION CALLING A SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO MOVE THE CANDIDATE QUALIFYING PERIOD FOR CERTAIN COUNTY ELECTED OFFICES THREE WEEKS EARLIER

**Indexes:** ELECTIONS**Sponsors:** NONE**Sunset Provision:** No**Effective Date:****Expiration Date:****Registered Lobbyist:** None Listed**LEGISLATIVE HISTORY**

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
County Attorney	10/1/2007		Assigned	Oren Rosenthal		10/1/2007	
County Manager	9/28/2007		Assigned	Alina Tejeda-Hudak	11/28/2007		
County Manager	9/28/2007		Assigned	County Attorney	11/6/2007		
<b>REPORT:</b> ELECTIONS DEPT. [GOE 10/12/2007]							
County Manager	9/28/2007		Referred	Governmental Operations and Environment Committee	10/12/2007		

**LEGISLATIVE TEXT****TITLE**

RESOLUTION CALLING A SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO MOVE THE CANDIDATE QUALIFYING PERIOD FOR CERTAIN COUNTY ELECTED OFFICES THREE WEEKS EARLIER

**BODY**

WHEREAS, the approval of House Bill 537 on May 3, 2007 modified the qualifying period for all state and local offices to provide three additional weeks for Supervisors of Elections to prepare for elections; and  
 WHEREAS, the charter amendment will move the candidate qualifying period for certain Miami-Dade County elected offices three weeks earlier, in accordance with this recent change in state election law; and  
 WHEREAS, this will provide more time for the Supervisor of Elections to prepare for elections, which has become essential in light of the change from an electronic-based voting system to a paper-based voting system; and  
 WHEREAS, Section 3.04 of the County Charter will be modified as follows:

**Qualifications and Filing Fee**

All candidates for the office of Mayor or county commissioner shall qualify with the Clerk of the Circuit court no earlier than the 63rd day >>84th day<< and no later than noon on the 49th day >>70th day<< prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

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

Section 1. A special election in conjunction with a countywide election in Miami-Dade County is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, January 29, 2008 for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such special election shall be published in accordance with section 100.342 of the Florida Statutes.

Section 3. The result of such special election shall be determined by a majority of the qualified electors of Miami-Dade County 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 of 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 close in accordance with the provisions of the general election laws. The question shall appear in substantially the following form:

MIAMI-DADE HOME RULE CHARTER AMENDMENT  
RELATING TO THE QUALIFYING DATES FOR CERTAIN COUNTY ELECTED OFFICES

SHALL THE CHARTER BE AMENDED TO MOVE THE CANDIDATE QUALIFYING PERIOD FOR CERTAIN MIAMI-DADE COUNTY ELECTED OFFICES THREE WEEKS EARLIER, IN ACCORDANCE WITH STATE LAW?

YES  
NO

Section 4. The form of the ballot shall be in accordance with the requirements of the general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of the general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County 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 proper place for voting either "YES" or "NO" following the statement of the question or proposal aforesaid.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 8. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, 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. This special election shall be a nonpartisan election. Election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 9. 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.

## HEADER

Date:

To: Honorable Chairman Bruno A. Barreiro and Members,  
Board of County Commissioners

From: George M. Burgess  
County Manager

Subject: Resolution Calling a Special Election in Conjunction with the  
Countywide Election held on Tuesday, January 29, 2008 to Submit to the  
Electors of Miami-Dade County the Question of Whether the Candidate  
Qualifying Period for Certain County Elected Offices Should End  
Three Weeks Earlier

## STAFF RECOMMENDATION

It is recommended that the Board approve the attached resolution which will submit to the electors of Miami-Dade County on January 29, 2008, in conjunction with the Presidential Preference Primary, a question to modify the Miami-Dade County Home Rule Charter. The proposed amendment will move the candidate qualifying period for certain Miami-Dade County elected offices to end three weeks prior to the date that is currently required, in accordance with the recent change in state election laws. The qualifying period for the offices of County Mayor and County Commissioners will be effected by this potential change.

### Scope

The scope of this resolution is countywide in nature. The new qualifying period must be adhered to by all candidates running for County Mayor and County Commission.

### Fiscal Impact/Funding Source

There is a positive fiscal impact to the County as a result of this resolution. Increasing the amount of time between the qualifying period and Election Day will reduce personnel costs associated with election preparation.

### Track Record/Monitoring

The Supervisor of Elections will be responsible for submitting the question to the electors of Miami-Dade County and if approved, will be responsible for advising potential candidates of the change in dates and adhering to the new qualifying period.

## MANAGER'S BACKGROUND

On May 3, Florida Legislators approved House Bill 537 and Governor Crist signed it into state law on May 21, 2007. This bill included many revisions to state elections laws. One of which modified the qualifying period for all state and local offices to provide more time for the Supervisors of Elections in the state to code elections, produce ballots, and have them printed. The Florida State Association of Supervisors of Elections (FSASE) and the Secretary of State's Office requested this modification. The additional time became particularly important to many counties in light of the change from an electronic-based voting system to a paper-based voting system.

To modify the candidate qualifying period in line with the state, the County Charter must be modified. This is accomplished by submitting the question to the electors of Miami-Dade County and upon a vote by the majority. It is important that the qualifying period be moved up by three weeks in order to have additional time to prepare for the August 26, 2008 Primary Election, the first election that the charter amendment would be in effect. Without the additional time allotment, the Elections Department will only have two weeks to print over one million ballots (up to four sheets each) prior to the state-mandated deadline to mail absentee ballots and the beginning of early voting.

If approved by a majority of the electorate, Section 3.04 of the Home Rule Charter will be modified as follows:

### Qualifications and Filing Fee

All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 63rd day >>84th day<< and no later than noon on the 49th day >>70th day<< prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county

The new county candidate qualifying period will reflect the same change as the state candidate qualifying period for state, multi-county district, county, district, and special district offices. The county will shift the timeframe three weeks earlier in accordance with the state. The length of time that county candidates have to qualify will remain at 14 days; the only change is in the qualification period.

\* The current qualifying dates for the August 26, 2008 Primary Election are as follows:

Tuesday, June 24, 2008 through noon on Tuesday, July 8, 2008.

\* Upon approval of the charter amendment, the qualifying dates will be changed to:

Tuesday, June 3, 2008 through noon on Tuesday, June 17, 2008.

Community Council qualifying dates will also need to be modified to reflect these proposed changes as their dates fall within the time period stated above. This will need to be addressed as an amendment to Article IV, Section 20-43(4) of the Code of Miami-Dade County. The proposed ordinance change will be brought before the Board in the coming months.

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Assistant County Manager

**4-D**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Saturday, September 29, 2007 4:25 PM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **kevin asher**

Street Address: **7622 sw 169 st**

City: **Palmetto Bay**

State: **Fl**

Zip: **33157**

Comment: **as the county continues to incorporate, it is vital that the county retains development approval authority over facilities of countywide significance. in this way, small municipalities do not thwart the services of regional facilities.**

**5-A**

# Charter Review Task Force

## Incorporation in Miami-Dade County

October 3, 2007



# History

- In 1957, with adoption of the Miami-Dade County Home Rule Amendment and Charter, incorporation and annexation authority shifted from the State legislature to the Board of County Commissioners (BCC). Article 6 of the Charter provides incorporation and annexation guidelines.

# Charter Requirements

- Section 6.04 - Changes In Municipal Boundaries
  - BCC may effect a boundary change after obtaining the approval of the municipal governing bodies concerned and after hearing the Planning Advisory Board (PAB) recommendation; if there are over 250 resident electors in the area being considered an affirmative vote is required.

# Charter Requirements

- Section 6.05 - Creation of New Municipalities
  - Only the BCC may authorize the creation of a new municipality in the unincorporated areas of the County after hearing the recommendations of the PAB, after a public hearing, and after a majority vote of the electors residing within the proposed boundaries.

# Code Requirements

- Chapter 20 of the Code of Miami-Dade County governs the Annexation and Incorporation process.
- Petitions for incorporation must include consent from 25 percent of the electors in the proposed area.
- Once the petition is deemed complete, the BCC may form a Municipal Advisory Committee (MAC) to study the desirability and feasibility of creating a municipality.

# Incorporated Area v. UMMSA

- At the time of Charter adoption, twenty-six municipalities were in existence. Approximately 35% of the County's population lived in the unincorporated municipal service area (UMMSA).
- Prior to the incorporation of Miami Lakes, thirty municipalities were in existence and 53 % of the population lived in UMMSA.
- Today there are 35 municipalities and about 46% of the population lives in UMMSA.

# Incorporation in the 1990s

- The incorporation of Key Biscayne in 1991 led to new interest in the creation of municipalities throughout the County.
- Three additional municipalities were created in the 1990s:
  - Aventura, 1995
  - Pinecrest, 1996
  - Sunny Isles Beach, 1997

# Incorporation in the 1990s

- As a result of these incorporations, concern grew regarding the equitable distribution of resources and possible detrimental effects on the entire community.
- Citizen's Advisory Committee on Countywide Incorporation (1992); Citizen's Task Force on Incorporation (1994); Revenue Sharing Task Force (1997).
- In December 1997, the BCC adopted a one-year moratorium on incorporation, directing the County Manager to study the impact the loss of revenue had on the remainder of UMSA.

# BCC-adopted Policies

- After the moratorium, the BCC adopted policies addressing the concerns of equity and self-determination.

02-26	Requires new municipalities to remain in the fire and library districts and contract with MDDP for local patrol services
02-130	Requires MAC boundaries to be within a commission district or seek approval from neighboring commissioner
04-201	Provides for the BCC approval of any municipal charter changes prior to an election
05-73	Requires new municipalities to pay 100% mitigation on Commercial, Business, and Industrial (CBI) Areas
05-97	Codifies requirement for new annexing municipalities to be responsible for bond indebtedness
05-98	Allows UMSA bond funds to be used in new municipalities
05-112	Requires annexation applications to provide information related to terminals
05-140	Requires approval of 25% of resident electors for incorporation or to create a MAC
05-141	Codifies areas of countywide significance
05-142	Codifies mitigation for annexing municipalities
R-130-05	Requires independent budget analysis of proposed municipalities

# Incorporation 2000 – Today

- Five new municipalities have incorporated since the moratorium was lifted:
  - Miami Lakes, 2000
  - Palmetto Bay, 2002
  - Doral, 2003
  - Miami Gardens, 2003
  - Cutler Bay, 2005

# Recent BCC Actions

- On September 8, 2005, the BCC adopted Resolution 1051-05 requesting a report detailing the impacts of incorporation and annexation since 2000.
- On November 13, 2005, the BCC adopted Ordinance 05-192 directing that incorporations and annexations neither be considered nor processed until this report was presented and accepted by the BCC on May 8, 2007.
- On September 4, 2007, the BCC adopted Ordinance 07-120 suspending consideration of proposed incorporations until receipt of the County Manager's report on annexations.

# Current Annexation Applications

- There are currently 14 annexation applications filed with the County that are being processed with the exception of the applications with boundary disputes and missing information:
  - Pending:
    - Four Cities Annexation (Virginia Gardens, Medley, Miami Spring, Doral)
    - Coral Gables (Davis Ponce)
  - In Process:
    - Florida City (Area F)
    - Homestead (NW1)
    - North Miami
    - North Miami Beach
    - Miami Shores
    - Florida City (Areas G1, G2, G3, and D)
    - Homestead (NW2)
    - Pinecrest
    - Homestead (SW)

# Non-Revenue Neutral Municipalities

- Three out of the five municipalities that have incorporated since 2000 were non-revenue neutral areas at the time the Board set an election among the registered voters seeking incorporation:
  - Miami Lakes
  - Palmetto Bay
  - Doral



# Non-Revenue Neutral Municipalities

- As a condition of incorporation, these municipalities agreed to pay a portion of their ad valorem revenues to offset the revenue loss to the unincorporated area as a result of their incorporation.
- The amount charged to the municipalities was based on a portion of difference between the revenues and expenses attributable to that area, the figures were based on an analysis done approximately two years prior to the time of incorporation.

# Mitigation

- The Florida Legislature during their 2007 Regular Session adopted Chapter 2007-26 prohibiting counties from requiring certain municipalities to pay charges or fees for the right of incorporating.
- The municipalities of Miami Lakes, Doral and Palmetto Bay sued the County and the County has counterclaimed raising the issue that the state statute violates the County's Home Rule amendment to the Florida Constitution. The case is currently pending.

# Broward County

- In the early 90s Broward County was faced with difficulty serving the unincorporated areas
- Due to uncontrolled annexation, the unincorporated area was left with difficult to serve areas without much commercial or industrial area to help defray the cost of services
- Unlike Miami-Dade County, Broward County does not have a home rule charter, all incorporations and annexations must be approved by the State Legislature

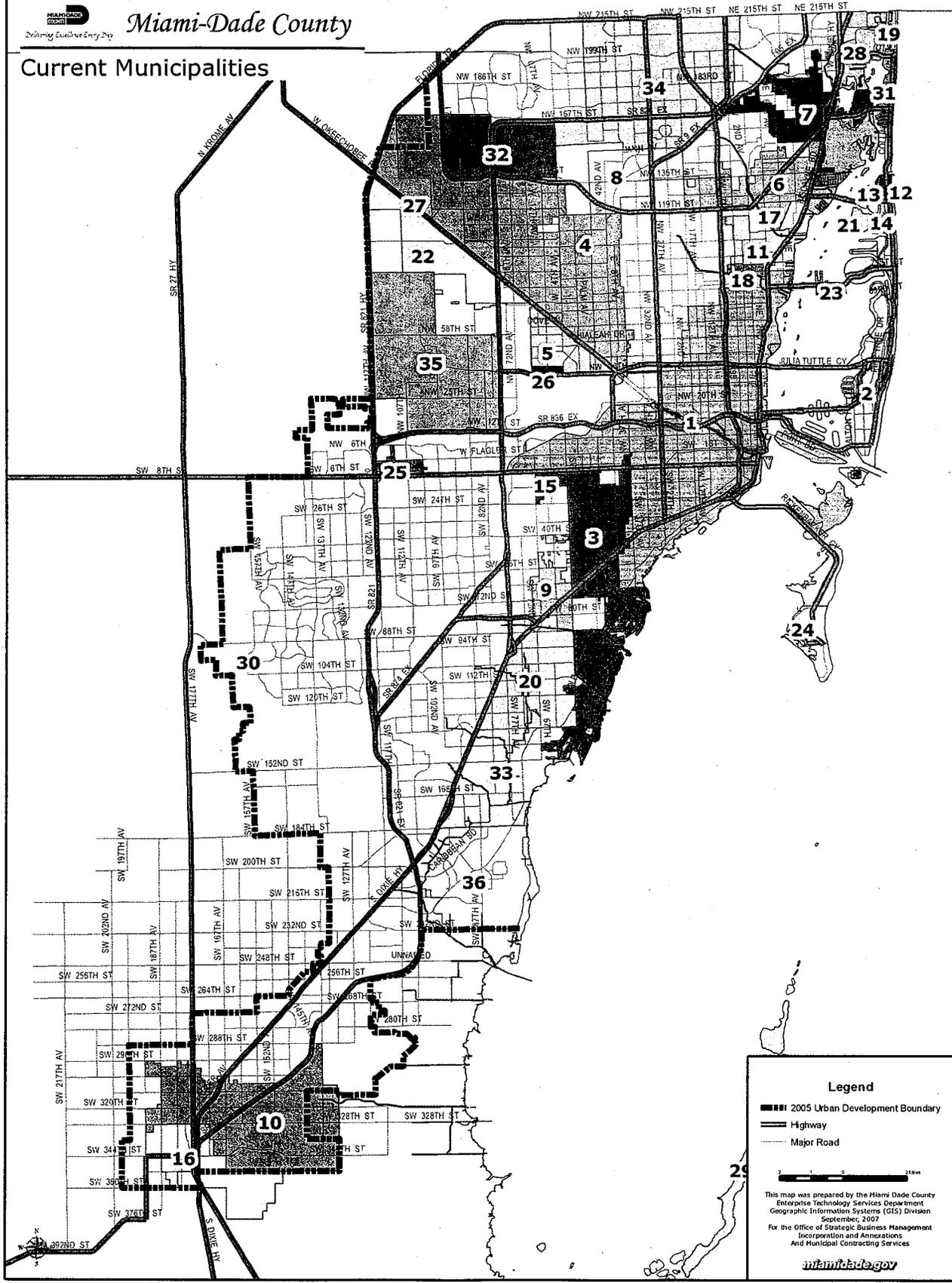
# Broward Incorporation

- In 1996, the Broward Legislative delegation introduced a Special Act passed by the Florida Legislature restricting piecemeal annexations. It set a goal of total incorporation by 2010
- In 1997, the Broward Board of County Commissioners adopted recommended polices for annexation providing for interlocal agreements
- To date, Broward has 31 municipalities with approximately 1.6 million residents and an unincorporated area of 11 square miles with 13,767 residents

# Prior Miami-Dade County Incorporation Attempts

- In November 1997, the BCC considered an intent resolution to incorporate or annex the remaining unincorporated area by December of 2007 – no action was taken.
- In April 2002, another intent resolution was considered by the BCC to incorporate or annex the unincorporated area by January 2018 – this resolution failed by a 5-6 vote.

Current Municipalities



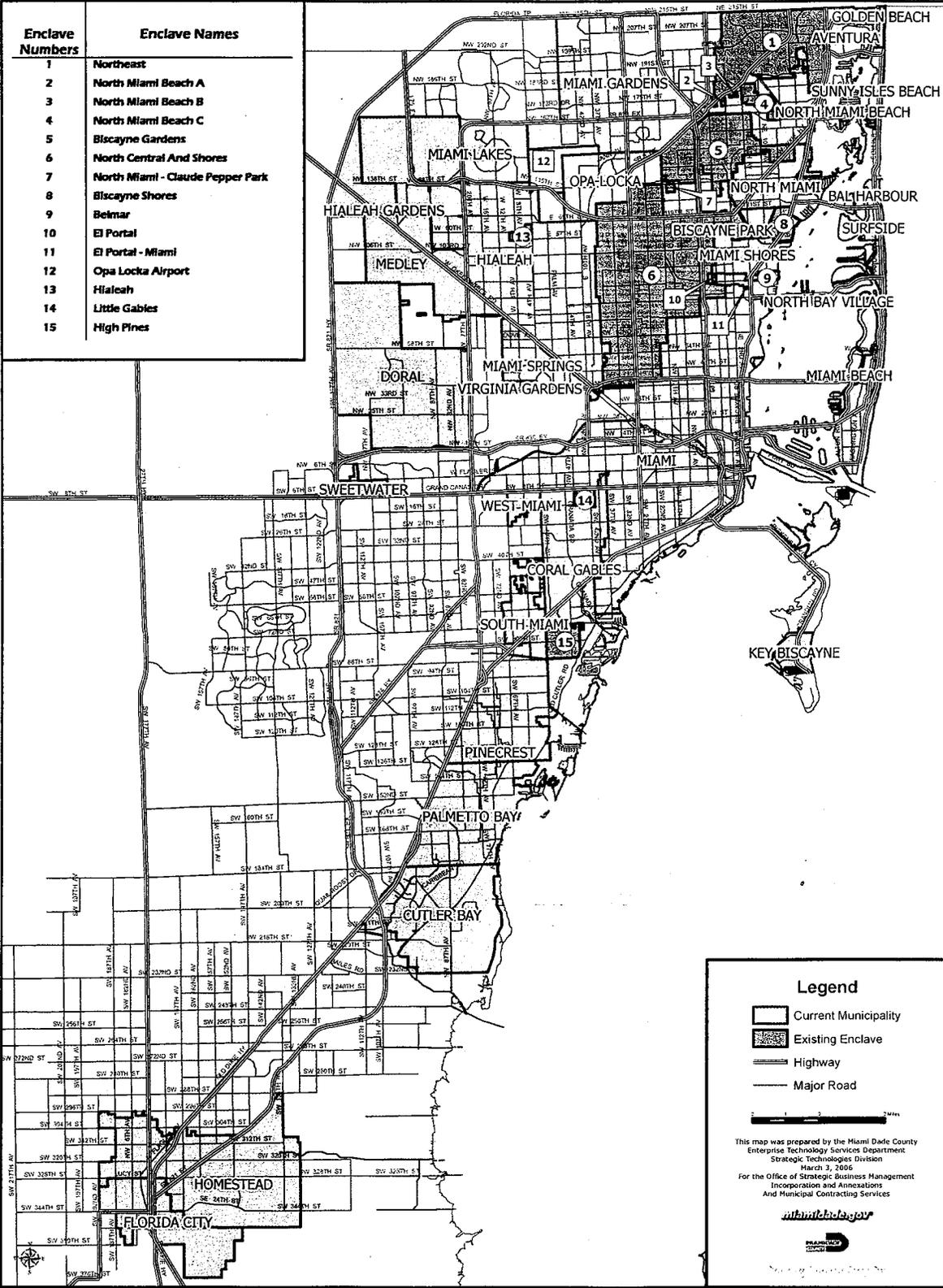
## LEGEND

<b>Municipal Code</b>	<b>Municipality</b>
1	Miami
2	Miami Beach
3	Coral Gables
4	Hialeah
5	Miami Springs
6	North Miami
7	North Miami Beach
8	Opa-Locka
9	South Miami
10	Homestead
11	Miami Shores
12	Bal Harbour
13	Bay Harbor Islands
14	Surfside
15	West Miami
16	Florida City
17	Biscayne Park
18	El Portal
19	Golden Beach
20	Pinecrest
21	Indian Creek Village
22	Medley
23	North Bay Village
24	Key Biscayne
25	Sweetwater
26	Virginia Gardens
27	Hialeah Gardens
28	Aventura
29	Islandia
30	Unincorporated Miami-Dade
31	Sunny Isles Beach
32	Miami Lakes
33	Palmetto Bay
34	Miami Gardens
35	Doral
36	Cutler Bay

# Miami-Dade County

## Existing Enclaves

Enclave Numbers	Enclave Names
1	Northeast
2	North Miami Beach A
3	North Miami Beach B
4	North Miami Beach C
5	Biscayne Gardens
6	North Central And Shores
7	North Miami - Claude Pepper Park
8	Biscayne Shores
9	Belmar
10	El Portal
11	El Portal - Miami
12	Opa Locka Airport
13	Hialeah
14	Little Gables
15	High Pines



**Legend**

- Current Municipality
- Existing Enclave
- Highway
- Major Road

0 1 2 Miles

This map was prepared by the Miami Dade County Enterprise Technology Services Department Strategic Technologies Division March 2, 2006 For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services

[miamidade.gov](http://miamidade.gov)

**MIAMI-DADE COUNTY**  
*Empowering Tomorrow's Success*

# California Incorporation Model

- In 1963, the State of California implemented Local Area Formation Committees (LAFCO) in each county.
- The main mission for a LAFCO is to discourage urban sprawl and preserve agricultural land resources.
- LAFCOs are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure and preparing a sphere of influence for each city and special district within each county.
- LAFCO decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources
- The most recent California legislation on incorporation and annexation in California was the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 which further clarified the roles of the LAFCOs.

# Miami-Dade County

- Incorporation and annexation efforts must be methodical.
- Each incorporation/annexation proposal is unique, and consideration must be given to the advantages and disadvantages associated with each.



# Miami-Dade County

- Miami-Dade County has an obligation to the well being of the entire community; incorporations and annexations may have unintended service consequences.
- The cost of municipal type services to the unincorporated residents has remained relatively low compared to municipalities in the County.
- Several large incorporation efforts within the unincorporated area have discontinued their efforts for lack of community support. (East Kendall MAC, West Kendall MAC, Northwest MAC)



# Regional Type Services

- Fire Rescue Services
- Local Patrol Services
- Specialized Police Services
- Solid Waste Services
- Water and Sewer Services
- Libraries

# Policy Considerations

- Enclaves - A charter amendment could be presented to the Miami-Dade County voters to grant the BCC the authority to force the annexation of enclaves that are completely surrounded by one or more municipalities.
- Annexations/Incorporations – A charter amendment could be presented to the Miami-Dade County voters to require that an annexation/incorporation vote be approved not only by the area being annexed/incorporated, but also by the remaining unincorporated area.

## DISCUSSION OF ISSUE # 5

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### STUDY OF INCORPORATION AND UNINCORPORATED MUNICIPAL SERVICE AREA (UMSA)

By: Lynn M. Dannheisser

As you will recall the discussion of Issue # 4-the possibility of changing the composition of the Board of County Commissioners-resulted in what our Chair characterized as a "surprising" but, what I will characterize as, an intelligent twist. The preliminary recommendation from the task force was not to change the composition of the Board but rather to consider mandatory annexation and incorporation as a possible solution to, and means of, addressing the many of the issues that brought about the discussion of item # 4.

#### HOW THE TASK FORCE GOT HERE

The issues that raised the discussion of the possibility of changing the composition of the Board of County Commissioners included a strong concern that, despite the great strides that had been made by the establishment of district elections in 1993 in terms of diversifying the Board of County Commissioners, two other consequences have been observed: 1) certain segments of the population such as the Haitian-American community continue to remain unrepresented on the Commission, and 2) Commissioners now elected from districts, generally speaking, no longer view issues from a county-wide perspective and have become too "parochial," catering mainly to their district's concerns and not necessarily anyone else's. (Commissioner Gimenez was commendably candid in acknowledging the truth and reality of that observation.) Still, and despite this perception, others, including the citizens from the Redlands area, expressed frustration that unless there was the potential for big political contributions, either monetarily or in votes, the Commission and even their own district commissioner seemed unresponsive to that area's collective desire to retain their rural lifestyle and their agricultural economy. Unresponsiveness on the part of the County government seems to be a recurring theme.

So, on the one hand, we heard that the county-wide perspective has been lost and, on the other, we heard that despite district elections, some communities and/or their concerns were still ignored or under-represented and that there was no real recourse in the elective process. (We were also told that while the cost to run for a district seat was more reasonable than running for a county-wide seat, it was still prohibitive and generally not an option to civic-minded citizens who would otherwise consider holding elected office.)

In considering solutions that would address these issues, included adding county-wide seats to the district seats, we heard from the lawyers who won the lawsuit that challenged the system of county-wide elections under the Voting Rights Act, They warned that consideration of a change from the current district election system to include an "at large" component might too

be struck down. County staff presented and the task force considered volumes of information on other forms of government around the state and country, possible methods of achieving greater representation through reapportionment of districts or changing voting methods proportional representation, generally acknowledged to facilitate greater representation of women minorities and other issue-based constituencies without gerrymandering. Commendably, various task force members wrote papers on the possible solutions. Yet there were issues with the solutions: a change to the current system could be legally challenged and government structures; methods of voting used elsewhere might not really be applicable to our unique county, and the fact that although we have attempted to change the structure of the government at least three, maybe four, times in the last decade, we still are struggling with these problems. Changing the structure and composition of the board was clearly not the answer.

Because those like Mayor Gibson and I have witnessed firsthand the concrete, successful results of incorporation, mandating incorporation and annexation of the County seems a totally workable and logical solution to all these problems. Why? Annexation and incorporation of the entire county, among other things, would refocus the County Commission on county-wide issues such as the airport, the seaport, traffic and transportation systems, environmental issues (UDB, water and sewer, resource recovery). It would allow local governments and their elected officials to more easily reflect the diversity of their neighborhoods-giving all neighborhoods greater representation and voice, and would be far less likely to be the subject of a legal challenge. Unlike re-apportionment and change in methods of voting, it is a forthright, uncomplicated, and easily understood solution.

### **COUNTY RESISTANCE TO INCORPORATION/ANNEXATION PROCESS**

You have excellent materials prepared by staff on this issue and I encourage their review. The following discussion is factually based but it represents only my own view (and probably the views of all those who have been involved in this process.) Specifically, Miami-Dade County is consistently and persistently in reactive and resistant mode when it considers incorporation and annexation.

In most counties, annexation and incorporation allows the most direct representation of citizens and gives citizens local control (in the delivery and level) of local services which can include police, fire, garbage, planning and zoning, parks and recreation, human resources, code enforcement and the like. Rather than promote local control and allow the BOCC to focus on countywide issues, the County has very deliberately over time either at various time completely blocking it or discouraging it, creating a variety of ever-increasing roadblocks to the incorporation process and the ultimate delivery of services, cities are normally permitted to provide. Ultimately, the County even created a charge or fee (the mitigation fee) for "non-revenue neutral" municipalities payable to the County for the right to incorporate. So, for example, all municipalities created before the 1990's enjoy all rights and privileges normally accorded cities. But, after that time, not all cities were created equal. In Miami-Dade County, the Commission used a charter provision (Section 6.05) to retain the absolute unassailable right

to allow, deny, or conditionally allow the right of incorporation regardless of whether a majority of citizens would vote (and have voted) "yes" to incorporation and the assumption of home-rule municipal authority.

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### **WATCH THE TREND:**

In 1995, after much delay and debate, the City of Aventura was allowed to form with certain restrictions. The County **mandated** that Aventura remain with the Miami-Dade Fire Department and that it could not collect its franchise fee from FP&L- over a million dollars- a right given most cities. In 1996, Pinecrest, after much agitation and debate, was permitted to go forward with incorporation but only after it ceded portions of its boundaries to Coral Gables (as "encouraged by the County" as part of negotiation between the Gables and the County), was denied its franchise fees, and after being denied **by ordinance** the right to provide its own garbage services. (The ordinance mandated the Village and all future incorporations remain with the County for garbage services.) Sunny Isles Beach came next with all the conditions previously imposed on Aventura and Pinecrest including remaining with the library district.<sup>1</sup>

In 1997, after allowing the emancipation of these three municipalities, the County Commission imposed a **moratorium on incorporation and annexation** as "concern" grew about equitable distribution of resources and overall countywide effect. I, along with many others, agreed as a matter of good government, that the County had legitimate concerns, that no areas should be left without sufficient revenues to support services, there should be no enclaves, areas that were undesirable because they were cost more in terms of resources than revenues produced should be included with other areas that could "support" them in terms of revenues and resources, but all areas should have the right of self-governance and proper representation. With a properly organized plan, all these issues and concerns could be addressed- all, that is, but two: the distasteful task of ceding jurisdiction over what might be some favorite political issues and the potential dismantling of a large county government bureaucracy related to the County being responsible for municipal (UMSA) budget and services. There were also the issues of the loss of tax revenues and fears of the response by unionized departments such as fire and police and garbage.

**Eleven new pieces of restrictive, band-aid legislation were then adopted, increasing the requirements for allowing any area to incorporate.** In 2000, when tremendous political pressures outside the County were brought to bear, the cities of Miami Lakes, Palmetto Bay,

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<sup>1</sup> The then Mayor of Sunny Isles Beach had a very cordial relationship with all the Commissioners at the time, and wanting to remain a good county citizen, engaged my services to try to negotiate a deal to remain with Miami-Dade County Police. We worked with George Burgess and others. We brought to the table the City's projected budget from tax revenues to be allocated to the police-somewhere around a million dollars- and said if we created our own police department and force, we could supply 34 officers and administration for that price. The County said it could only supply less than half that coverage or they would have to charge twice this amount for the same coverage. Obviously, the Mayor declined and without any real desire to, he created his own department because it was the fiscally responsible thing to do for the City.

Doral and finally Cutler Bay were permitted to form but with some even more onerous conditions. In addition to all conditions imposed on prior incorporations, the county now mandates the use of County fire and local police patrol. Cities can no longer even have their own police departments. Along with these injunctions, the County began charging a fee- the "mitigation fee" or, as the cities dubbed it the "ransom" for emancipation. These cities have challenged this fee and the County has countered with its claim of home rule charter powers.<sup>2</sup> The over-reaching use of home rule authority by the County has led to the Florida Legislature passing its own legislation, prohibiting counties from requiring this kind of mitigation fee for the right of incorporating.

### **NEED FOR ACTION BY THIS TASK FORCE**

Besides those cities mentioned, there have been multiple MACs (municipal advisory committees) standing in line like airplanes on a runway waiting to take off and have their areas incorporated. Many have been so delayed, with so many fits, starts, and stops by the County, that they have abandoned hope. The attached resolution is a reflection of this and it comes on the heels of (dare I ponder whether in reaction to) the task force's decision to consider the matter. Whether or not the timing of the issuance of this ordinance on an issue that has been pending since 2005 is merely coincidental to this task force's deliberations, the County would probably not argue with the statement that they have done everything in their power to delay, condition, or stop incorporations and that they have been in a reactive mode since the early 1990's as I hope this recitation of events clearly reflects.

Incorporation and annexation allows more citizens to have more say over everything that happens in their city. It is easier and less costly to run for election, it is easier to attend meetings rather than traveling down to County Hall or even down to the facility web casting their participation. It allows for parochialism where parochialism belongs and would allow the County Commission to really pay attention to, and address, countywide issues. Local governments look like the people they represent. In addition, those local governments- a Mayor and Commission- not just single individuals- can collectively and perhaps with more authority and persuasive ability appeal their needs to the County. Perhaps it will generate greater responsiveness on the part of the County Commission.

As to the budget, the bureaucracy, and unions- well, this cannot be the concern of this task force. However, we can and should take note that new cities have entered into contracts with the Metro-Dade Police Department to utilize the MDPD as the new city police, with great satisfaction for both residents and police officers. New cities have offered free land and incentives to the Library District to encourage the construction of libraries. Lastly, new cities

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<sup>2</sup> The County has always permitted a municipality to opt out of the Fire District with proper notice and an election among other things (See Chapter 18 of the County Code). Recently, the Town of Surfside has indicated an interest in opting out of the county fire district and the County, in reaction to this assertion of home rule authority by a municipality, has repealed the ordinance that heretofore allowed the Town to opt-out. The Town's options are now foreclosed.)

have accepted Metro Fire Department services as their fire departments. Thus, residents have essentially gained control over local issues through electing local officials while not negatively impacting service employees, a result that is easily included in a design of a countywide incorporation plan. The model for countywide incorporation is Broward County, which has mandated that every unincorporated area join a city by a date certain.

We are only here to address charter issues and resolve issues as they relate to structure of government. We will have to let the County Commission deal with politics and, while politics may ultimately carry the day on this issue, at least this task force can recognize and give voice to an excellent solution to the problems of representation, responsiveness, inclusion and diversity, and policy and structure of government.

# Memorandum



**Date:** October 2, 2007

Agenda Item No. 4-(L)

**To:** Honorable Chairman Bruno A. Barreiro and  
Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance Repealing Ordinances No. 01-100, 04-136, 04-148 establishing the  
Redland, PLANT, and Goulds Municipal Advisory Committees

## Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Ordinance repealing Ordinances 01-100, 04-136, 04-148 establishing the Redland, PLANT (Princeton, Leisure City and Naranja), and Goulds Municipal Advisory Committees (MAC).

## Scope

This agenda item will affect the areas of Redland, Princeton, Leisure City, Naranja and Goulds from continuing to study the feasibility and desirability of incorporating their respective areas.

## Fiscal Impact/Funding Source

The accompanying ordinance will not have a fiscal impact on Miami-Dade County.

## Track Record/Monitor

Not applicable.

## Background

On March 29, 2007 the Government Operations and Environment Committee held an Incorporation/Annexation and Mitigation Workshop to address issues relating to incorporation and annexation. Staff presented policy recommendations for the Committee's consideration. The Committee instructed staff to prepare ordinances implementing the policy recommendations accepted at the committee workshop.

On June 5, 2001, July 13, 2004, and July 27, 2004, respectively, the Board approved the ordinances creating each of these MACs. The MACs were charged with reviewing the feasibility and desirability of incorporating their respective areas. The MACs reviewed fiscal impact of their areas' incorporation on the Unincorporated Municipal Services Area (UMSA) budget, the functions and responsibilities of municipal governments, the obligations of new municipalities to the County and to its municipal residents, and in the case of Redland the MAC developed a pro-forma budget for the proposed municipality.

On November 20, 2001 the Board held a public hearing regarding the proposed incorporation of the Redland area. Based on testimony from Goulds and Princeton area residents regarding boundary disputes with the proposed Redland area incorporation, the Board deferred the proposed incorporation to a no-date certain in order to give the MAC and its neighboring communities the opportunity to resolve

the boundary disputes. On January 20, 2004 the Board adopted Resolution R-116-04 directing the County Manager to enter into agreement with the Florida Conflict Resolution Consortium (FCRC) to assess the use of a collaborative process to resolve the boundary issues of incorporation proposals in South Miami-Dade County. The FCRC conducted a preliminary feasibility assessment on the use of a mediated process to resolve the existing boundary disputes. The FCRC report was presented to the Board on May 18, 2004 (Attachment 1).

The Board directed the County Manager to contract with the FCRC to conduct the mediation process. Between August and October 2004; the FCRC focused its mediation efforts on issues between Redland, PLANT, and Goulds MACs. However, in late October 2004 the mediation efforts were placed on hold to allow the PLANT and Goulds MACs time to understand the implications of a petition for incorporation filed with the Clerk of the Board by the Friends of Redland. The petition sought to incorporate boundaries that were part of the mediation process discussion. From November 2004 through May 2005 there was a pause in the mediation efforts, which created an indefinite impasse. The PLANT and Goulds MACs discontinued meetings based on the unresolved boundary disputes. On November 28, 2005 the FCRC submitted a final report identifying a change in the willingness of key parties to engage in a mediated resolution process (Attachment 2). As a result, the existing boundary disputes have not been resolved.

The Redland, PLANT, and Goulds MACs were unable to agree on boundaries throughout the mediation process sponsored by the Board and undertaken by the FCRC; as a result the three MACs should be dissolved.



Jennifer Glazer-Moon, Director  
Office of Strategic Business Management

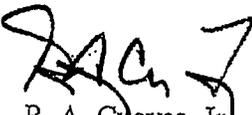


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No 4(L)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(L)  
10-02-07

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ORDINANCE NO.

ORDINANCE REPEALING ORDINANCES NO. 01-100, 04-136, AND 04-148 OF MIAMI-DADE COUNTY ESTABLISHING THE REDLAND, PRINCETON LEISURE CITY AND NARANJA (PLANT), AND GOULDS AREA MUNICIPAL ADVISORY COMMITTEES; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, During the Incorporation/Annexation and Mitigation Workshop of the Government Operations and Environment Committee of the Board of County Commissioners, Staff presented policy recommendations for the Committee's consideration to address issues relating to incorporation and annexation; and

**WHEREAS**, Municipal Advisory Committees were established in the areas of Redland, Princeton, Leisure City and Naranja (PLANT), and Goulds to study the feasibility of incorporation; and

**WHEREAS**, there are boundary disputes among the Redland, PLANT, and Goulds Municipal Advisory Committees; and

**WHEREAS**, Resolution R-116-04 of the Miami-Dade County Board of County Commissioners directed the County Manager to enter into agreement with the Florida Conflict Resolution Consortium to assess use of collaborative process to resolve boundary issues regarding South Miami-Dade incorporation proposals; and

**WHEREAS**, on May 18, 2004 a report prepared by the Florida Conflict Resolution Consortium summarizing its initial assessment as to the feasibility of a mediated process to address boundary issues among incorporations efforts in South Miami-Dade County was

presented to the Board of County Commissioners; and

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**WHEREAS**, after discussion of the aforementioned report the Board of County Commissioners directed the County Manager to contract with the Florida Conflict Resolution Consortium to mediate the boundary disputes among various incorporation efforts; and

**WHEREAS**, one member of each of the Redland, PLANT, and Goulds Municipal Advisory Committees represented its respective group in the mediation process undertaken by the Florida Conflict Resolution Consortium; and

**WHEREAS**, on November 28, 2005 the Florida Conflict Resolution Consortium submitted a report noting that no successful mediation resulted from the undertaken process,

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

Section 1. Ordinances No.: 01-100, 04-136, and 04-148 of Miami-Dade County establishing the Redland, PLANT and Goulds Municipal Advisory Committees are hereby repealed in their entirety.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3 It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall be excluded from the Code of Miami-Dade County, Florida.

Section 4 This ordinance shall become effective ten (10) days after the date of

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enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an  
override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

DATE

Prepared by:

CHC

Craig H. Coller

**Additional**

**Materials**

*UD: NM - CPA forwarded to S. Torricella  
for inclusion in Task Force Agenda.* P. 1

# The Urban Environment League

212 N.E. 24th Street, Miami, FL 33137

Phone: 305 576-2553 • Fax: 305 576-2530

Website: [www.uel.org](http://www.uel.org) • E-Mail: [uelmiami@bellsouth.net](mailto:uelmiami@bellsouth.net)

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September 24, 2007

Victor M. Diaz, Chairman  
Charter Review Task Force  
C/o: Podhurst, Orseck, PA  
Via Fax: 305-358-2382

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Mayor David Dermer  
City of Miami Beach  
Via Fax: 305-673-7096

Members of Charter Review Task Force

Dear Members of the Task Force,

After providing public comments from the Urban Environment League at a recent Charter Review Task Force meeting, I became convinced that the UEL position on moving the Urban Development Boundary was not as clear as we would have liked it to be. Accordingly, I offer here some new language as clarification of my previous public remarks. Please enter this into the record.

**THE UEL SUPPORTS AN AMENDMENT TO THE MIAMI DADE COUNTY CHARTER THAT ANY MODIFICATIONS TO THE URBAN DEVELOPMENT BOUNDARY (UDB) BE PLACED ON A GENERAL BALLOT TO BE APPROVED BY THE VOTERS AT LARGE. THE WILL OF THE VOTERS WILL BE A BINDING ACTION NOT TO BE OVERRIDDEN BY THE MIAMI DADE BOARD OF COUNTY COMMISSIONERS.**

Thank you for considering this in your deliberations.

Sincerely,



Fran Bohnsack, Ph.D.  
President

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