



Delivering Excellence Every Day

Charter Review Task Force Meeting

Wednesday, October 17, 2007

10:00 am

Stephen P. Clark Government Center

111 NW 1st Street

18th Floor – Conference Rooms 18-3 & 18-4

AGENDA

1. Call to Order
2. Roll Call
3. Minutes and Reports of Statements
 - A. Approval of September 19, 2007 meeting minutes
 - B. Approval of October 3, 2007 meeting minutes
4. Old Business
 - A. Election of Property Appraiser
5. New Business
 - A. Review of Preliminary Recommendations
 - B. Review of Draft Interim Report
6. Adjournment – Next meeting on October 31, 2007, 10:00 am
Historical Museum

**Charter Review Task Force
October 17, 2007**

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.

Victor M. Diaz, Chairman
Charter Review Task Force

3-B



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

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



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 UMSA; 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, 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 not satisfied 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 UMSA, and quality of service delivery. He suggested three major cities (South, Western and North Central) be created out of UMSA 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 UMSA be created with its own government.

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

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

Additional

Materials

Fernandez, Margarita (CMO)

From: VICTOR M. DIAZ [VDIAZ@PODHURST.com]
Sent: Thursday, October 04, 2007 5:24 PM
To: Torriente, Susanne M. (CMO); Fernandez, Margarita (CMO)
Subject: FW: Chm. Diaz: My submission to the MDC Charter Review Task Force, JRHolmes

Pls include in next agenda package.

From: holmesrip2@aol.com [mailto:holmesrip2@aol.com]
Sent: Wednesday, October 03, 2007 12:24 PM
To: VICTOR M. DIAZ
Subject: Chm. Diaz: My submission to the MDC Charter Review Task Force, JRHolmes

Dear Charter Review Task Force:

I am a commercial property, retail storefront, owner, in Coral Gables, at 256 Miracle Mile.

My store's property taxes have risen over 350% in the past 10 years, whereas my family store's net income has only risen 35%. That means that my property's taxes are going up 10 times faster than its income!

I submit to you that this is wrong, and that there are two cures needed, one of which is in your hands:

- 1) The fact that I believe commercial properties should be taxed on income value, as opposed to resale value, is probably not within your jurisdiction. However,
- 2) I firmly believe Miami-Dade County should no longer be the only one of 67 Counties in Florida which appoints, rather than elects, its Property Appraiser.

BEARING IN MIND THAT OF ALL OF FLORIDA'S COUNTIES, EVERY SINGLE COUNTY, EXCEPT MIAMI-DADE COUNTY, HAS AN ELECTED PROPERTY APPRAISER, I URGE YOU TO MAKE MIAMI-DADE COUNTY'S PROPERTY APPRAISER AN ELECTED, RATHER THAN APPOINTED, POSITION.

I would like to give you an example of why I believe this makes a difference.

As you may know, property owners have the right to appeal their preliminary assessment each year, both by informal consultation prior to September 20, and by appeal to the Value Adjustment Board.

For the past several years, I have sought to get my property appraised with serious consideration given to the income I am able to derive from the property.

My informal consultations are met with the uniform statement by the Property Appraiser's Office, 'We are required by State Law to appraise your property only by fair market value. We are not interested in your income, because State Law forbids us to use it, as we are required by State Law to appraise your property on the basis of how much you could sell it for.'

One of the Property Appraiser's Office assistants gave me a copy of the "State Law", Florida Statute 193.011, to prove to me that he was required to appraise my property based on its fair market, resale, value, to the exclusion of consideration of the income it generates.

To my astonishment, that "State Law" actually lists 8 factors which must be considered by the Property Appraiser is assessing "Just Value" of a property, and one of the 8 factors is the "income" of the property.

I therefore asked for the Assistant Property Appraiser's Supervisor, who is Steven Engelmeier, whom I knew from a

previous hearing, and whom I respected.

Steven Engelmeier, of the Property Appraiser's Office, told me that same thing, 'We are required by State Law to appraise your property on its resale value. It does not matter to us what your income is; nor does it matter to us whether our property taxes will cause your tenant's business to fail.'

He refused to budge on my request for serious consideration of how much income my property produces, and my tenant went out of business.

The next year, I had the chance, as a commercial realtor, to meet, and speak with, Miami-Dade County Property Appraiser Frank Jacobs. At that time, I recounted the foregoing to him, including the contents of Florida Statute Section 193.011, requiring consideration of "income".

Miami-Dade County Property Appraiser Frank Jacobs told me that:

- 1) I am correct on the contents of the Florida Statute, however,
- 2) The Florida Supreme Court has interpreted the Statute, in two cases including Valencia v. Bystrom, to mean that "Just Value equals Fair Market Value".

I suppose I should have gone to the law library and double-checked the veracity of the Miami-Dade County Property Appraiser, Frank Jacobs, as to the content of the Florida Supreme Court case, Valencia v. Bystrom, saying that "just value means fair market value".

Because Frank Jacobs is a very likable, and credible, person, and because he was the Miami-Dade County Property Appraiser, I decided it was unnecessary to verify what he told me, and accepted, with very genuine economic despair, that the Florida Supreme Court had, de facto, overruled the Florida Legislature's Statute, to my extreme economic disadvantage.

I have recently learned, with the help of former Charlotte County Assistant Property Appraiser Dennis Black, and present Miami-Dade County Property Appraiser Marcus Saiz de la Mora, that what former Miami-Dade County Property Appraiser, Frank Jacobs, told me, i.e. that the Florida Supreme Court said, in Valencia v. Bystrom, that "just value equals fair market value", is false.

Property Appraiser Frank Jacobs, like you, like me, and like any employee, knows who has the power to fire him. For him, that was the County Manager, who is happy with high taxes.

In other Counties, Property Appraisers also know who has the power to fire them--the voters, who are unhappy with high taxes.

I am still researching that status of the law on income valuation, and I cannot yet tell you what the status of the law is, except that it appears, at this early stage of my research, to be muddled, strongly favoring "fair market value" appraisal, but also requiring that the Property Appraiser consider the income derived from a property. I support State Representative Carlos Lopez-Cantera's proposed legislation to mandate a primary role of income valuation in the appraisal of commercial properties.

We need a Property Appraiser in Miami-Dade County who, like the Property Appraiser in every single other County in Florida, answers to the voters, not to the head of County government.

CONCLUSION

I RESPECTFULLY SUBMIT TO YOU THAT, BEARING IN MIND THAT OF ALL OF FLORIDA'S COUNTIES, EVERY SINGLE COUNTY, EXCEPT MIAMI-DADE COUNTY, HAS AN ELECTED PROPERTY APPRAISER, I URGE YOU TO MAKE MIAMI-DADE COUNTY'S PROPERTY APPRAISER AN ELECTED, RATHER THAN APPOINTED, POSITION.

Sincerely,

Jackson Rip Holmes

10/09/2007

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Dear Charter Review Task Force:

I am a commercial property, retail storefront, owner, in Coral Gables, at 256 Miracle Mile.

My store's property taxes have risen over 350% in the past 10 years, whereas the store's net income has only risen 35%. That means that my property's taxes are going up 10 times faster than its income!

I submit to you that this is wrong, and that there are two cures needed, one of which is in your hands:

- 1) The fact that I believe commercial properties should be taxed on income value, as opposed to resale value, is probably not within your jurisdiction. However,
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Sincerely,

Jackson Rip Holmes

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Fernandez, Margarita (CMO)

From: Mayor (Carlos Alvarez)
Sent: Thursday, October 11, 2007 10:21 AM
To: 'rsuarez-rivas@miamigov.com'
Cc: 'VICTOR M. DIAZ'; Gazitua, Luis Andre (Mayor's Office); Fernandez, Margarita (CMO)
Subject: Response of the Office of the Honorable Mayor Carlos Alvarez - Speak Up - Suggestions to Improve Government

Mr. Suarez-Rivas:

Thank you for your e-mail sent to Mayor Alvarez.

I will forward to the Chairman of the Charter Review, Mr. Victor Diaz so he can review and respond.

Sincerely,

Delivette Gonzalez
Director of Scheduling and Personal Affairs to Miami Dade County Mayor Carlos Alvarez
Stephen P. Clark Center
111 NW 1st Street, Suite 2910
Miami, FL 33128
Downtown Off - 305-375-2202
Downtown Fax - 305-375-1274

West Dade Office of the Mayor
1309A SW 107 Ave
Miami, FL 33174
WD Off : 305-228-3401
WD Fax: 305-228-3402

From: rsuarez-rivas@miamigov.com [mailto:rsuarez-rivas@miamigov.com]
Sent: Wednesday, October 10, 2007 6:10 PM
To: Mayor (Carlos Alvarez)
Subject: Speak Up - Suggestions to Improve Government

Information

Contact Person: **Rafael Suarez rivas**

E-mail: **rsuarez-rivas@miamigov.com**

Contact Phone Number: **305 416 1800**

Suggestions: **Please note this is directed to the County Charter Review Committee as they do not seem to have a web address. I am writing this as a private citizen and not on behalf of any city or agency. The County should facilitate municipal annexations of unincorporated enclaves which are surrounded by municipalities. They are inefficient for the County to service. There are various ones- Little Gables, the SE corner of Virginia Key, Blue Lagoon, and NE 87 to NE 90 St. adjacent to Biscayne Bay. These small enclaves should be annexed to**

10/11/2007

neighboring cities. Also the County should follow general laws (e.g. Florida Statutes) on municipal annexation and should not require Board approval and special acts for annexation. Also, the Sheriff should be elected at large as in the rest of the State. Thank you for your consideration.