



Delivering Excellence Every Day

Charter Review Task Force Meeting

Wednesday, October 31, 2007

10:00 am

Historical Museum of Southern Florida

101 West Flagler Street

Miami, FL

(Northeast Corner of the Miami-Dade Cultural Plaza)

AGENDA

1. Call to Order
2. Roll Call
3. Minutes and Reports of Statements
 - A. Approval of October 17, 2007 meeting minutes
4. Old Business
 - A. Review and Approval of Interim Report to Board of County Commissioners
 - B. Independent Body to Establish Commission Districts
 - C. 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
5. New Business
 - A. Approval of Future Meeting Schedule
6. Adjournment

Charter Review Task Force October 31, 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



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners

Commission Chambers - Stephen P. Clark Center
111 NW 1st Street, 18th Floor
Conference Rooms 3 & 4
Miami, Florida 33128

Meeting Date:

Wednesday, October 17, 2007

Prepared by:

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Reporter:

Mary Smith-York, Commission Reporter
(305) 375-1598

CLERK'S SUMMARY AND OFFICIAL MINUTES



CHARTER REVIEW TASK FORCE MEETING
October 17, 2007

The Charter Review Task Force convened in a meeting on October 17, 2007, at 10:00 a.m. in Conference Rooms 3 and 4, on the 18th floor of the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida. There being present: Chairman Victor M. Diaz, Jr. and members Ms. Lynn Dannheiser, Mr. Miguel DeGrandy, Mayor Carlos Diaz-Padron, Mayor Shirley Gibson, Commissioner Carlos A. Gimenez, Mr. Murray Greenberg, Mr. Larry Handfield, Ms. Elizabeth Hernandez, Mr. John Hogan, Mr. Richard Kuper, Mr. Jorge Lopez, Mayor Raul L. Martinez, Mr. H. T. Smith, Ms. Yvonne Soler-McKinley, and Mr. Ignacio Vasquez; (Mayor David Dermer, Mr. Maurice A. Ferre, Mr. Robert A. Ginsburg, Mr. Robert Holland, and Mr. Francois Illas were absent).

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 10:22 a.m.

2. ROLL CALL

Chairman Diaz advised that Mayor David Dermer informed that he would be absent from today's meeting.

The following staff members were present: County Manager George Burgess; Office of Strategic Business Management Director Jennifer Glazer-Moon, Assistant to the County Manager Margaret Fernandez; Assistant County Attorneys Cynthia Johnson-Stacks, Wilfredo Ferrer, and Monica Rizo; and Deputy Clerks Diane Collins and Mary Smith-York.

3. MINUTES AND REPORTS

A. Approval of September 19, 2007 meeting minutes

It was moved by Mr. Smith that the September 19, 2007 Charter Review Task Force meeting minutes be approved as presented. This motion was seconded by Mayor Gibson, and upon being put to a vote, passed unanimously by those members present.

B. Approval of October 3, 2007 meeting minutes

Chairman Diaz asked that the minutes of October 3, 2007 be corrected on page 9, paragraph 2, line 4, to insert the language, "he was concerned that" before the words "the only way to achieve Countywide incorporation was by...;" and in line 7, the language, "he was not satisfied" be deleted and replaced with "he was concerned that."

It was moved by Mayor Gibson that the October 3, 2007 meeting minutes be approved with the requested corrections. This motion was seconded by Ms. Dannheiser, and upon being put to a vote, passed unanimously by those members present.

4. OLD BUSINESS

A. Election of Property Appraiser

Chairman Diaz advised that last week (10/12) the Governmental Operations and Environment Committee (GOE) approved a resolution calling a special election on whether the charter should be amended to provide for an elected Property Appraiser. He noted this resolution would be considered by the County Commission in November for final adoption.

Mr. Greenberg commented that rather than devoting extensive discussion to whether the property appraiser should be elected, the Task Force should discuss the Commission's opinion regarding this group. He pointed out that the Task Force's ability to make recommendations was restricted by the criteria established by the Commission. Mr. Greenberg expressed concern with the level of discussion among this group exceeding the mandates of the commissioners and suggested the Commission be asked to either disband the Task Force or let it do its job.

Chairman Diaz stated members were encouraged to maintain constant dialogue with their respective appointing commissioner, keeping them apprised of the Task Force's progress. He noted his efforts to keep the community informed with a meeting with the Miami Herald's Editorial Board (10/16), a scheduled meeting with the Chamber of Commerce (11/7) and an appearance on "This Week in South Florida" with Michael Putney on Channel 10 (11/4). Chairman Diaz stated that while Mr. Greenberg raised a valid concern, he would encourage members to engage the community's support for the Task Force's recommendations on the issues.

Mayor Martinez reminded the Task Force members of their acceptance of the Commission's mandate at the time of their appointment and conceded that the group's task was too large for the amount of time allowed. Acknowledging public outcry for tax reform, he suggested the Task Force vote the property appraiser issue up or down today and submit the result to the Commission for its consideration.

Mr. Vazquez informed that he believed in transparency in government and emphasized that the Task Force should convey to the Commission that citizens wanted their say in regards to the constitution and their elected officials.

Mayor Gibson concurred that the Task Force had a secondary duty to get the message out to the people of the community so they may be more informed about their government representatives. She noted, for the record, that she was appointed by the City of Miami Gardens; not by a commissioner.

It was moved by Mr. Kuper that the Task Force recommend to the Board of County Commissioners that the Property Appraiser be an elected position. This motion was seconded by Commissioner Gimenez.

Chairman Diaz noted the property appraiser was constrained by state statutes and must follow state law when assessing the value of property. He expressed concern with the cost of holding a countywide election and questioned whether the election process would dilute professionalism and encourage corruption.

Mr. Kuper requested his motion be amended to include certain qualifications based on criteria introduced in the previous Task Force meeting (10/3).

Mayor Martinez spoke in opposition to attaching qualifications to an elected property appraiser, noting other elected positions did not include qualification criteria. He noted he felt that elected officials were not influenced by campaign contributions.

Chairman Diaz read into the record, the current minimum qualifications of the Property Appraiser's position as follows: A Bachelors degree in Business Administration, Public Administration or a related field; and a minimum of six to ten years of progressively responsible managerial and/or administrative experience in property appraisal to include supervisory experience are required.

Discussion ensued among Task Force members regarding whether to attach qualifications. They also discussed whether the Task Force would determine the level of discretion the Property Appraiser could exercise when assessing property.

Mr. Lopez recommended rather than having the Property Appraiser selected entirely through the elections process, that the Mayor's appointment of the property appraiser be ratified by the Board of County Commissioners, subject to approval by the voters. He also proposed that term limits be established for the position.

Mr. Greenberg asked Task Force members to consider the huge expense involved in running the property appraiser's office, which required lawyers. He advised that an independent property appraiser might choose not to use the County Attorney's Office.

Mr. Kuper proffered an amendment to the foregoing motion to include that the elected property appraiser be limited to two four-year terms. Commissioner Gimenez, the seconder to the main motion, did not accept the amendment.

Mr. Lopez proffered an amendment to the foregoing motion to include the merit retention method for the property appraiser. Mr. Kuper, the mover of the main motion, did not accept the amendment.

Following additional discussion, the Task Force voted on the motion moved by Mr. Kuper that the Task Force recommend to the Board of County Commissioners that the Property Appraiser be an elected position. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 12-4 (Mayor Diaz-Padron, Mr. Greenberg, Mr. Lopez, and Chairman Diaz voted no); (Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

5. NEW BUSINESS

A. Review of Preliminary Recommendations & Draft Charter Review Interim Report

Issue No. 2: Mayor and Board of County Commissioners (Board) Compensation

Issue No. 3: Study of Term Limits – Board or other elected officials

It was moved by Mr. DeGrandy that the Task Force ratify all the votes in the preliminary recommendations on Issues 1 through 4, as interim recommendations to the Commission.

Chairman Diaz advised that he had received requests for verification on Issue No. 2: Mayor and Board of County Commissioners (Board) Compensation, regarding the language contained in the friendly amendment offered by Mr. Holland. He read into the record the Florida Statutes that already provided for forfeiture of retirement benefits relating to certain offenses. Chairman Diaz questioned whether the Task Force wished to expand beyond those statutes.

Mr. Handfield recommended the State Statutes remain as provided in regard to compensation, which Mr. DeGrandy accepted.

Chairman Diaz noted he had also received inquiries concerning perks in regard to compensation and asked Task Force members whether they wished to impose restrictions pertaining to salaries/perks.

Mr. Handfield recommended the Task Force not consider imposing limits on the perks of public servants.

It was moved by Mr. DeGrandy that the following preliminary recommendations be amended to delete the fourth recommendation and ratified as the Task Force's interim recommendations to the Board of County Commissioners relating to Issue No. 2: Mayor and Board of County Commissioners Composition; and Issue No. 3: Study of Term Limits – Board and other elected officials:

- Commissioners would receive a population based salary provided by Florida's Statutory formula (approx. \$89,000);
- Commissioners' terms in office shall be limited to two, four-year terms; and
- Commissioners would be prohibited from having outside employment.

This motion was seconded by Mayor Diaz-Padron, and upon being put to a vote, passed unanimously by those members present (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, Mr. Illas, and Mayor Martinez were absent).

Issue No. 1: Public Safety Director (Sheriff)

Chairman Diaz read the preliminary recommendation for Public Safety Director into the record.

It was moved by Commissioner Gimenez that the preliminary recommendation be amended and ratified as the Task Force's interim recommendation to the Board of County Commissioners relating to Issue No. 1: Public Safety Director (Sheriff) being elected as follows:

- Public Safety Director shall be appointed by the Mayor for a period of four (4) years, subject to reevaluation;
- That the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission;
- That the Public Safety Director could be removed by the Mayor, subject to a simple majority vote of the County Commission;

- That the County Commission can remove the Public Safety Director by a super majority (two-thirds) vote; and
- Once appointed, interference by the Mayor would be cause for termination/removal from office.

This motion was seconded by Mr. DeGrandy.

Discussion ensued among Task Force members regarding the meaning of the term “interference” and determining if it was consistent with the language provided in the Charter. Additional issues discussed included the Strong Mayor’s authority over all departments, including public safety and the potential for political interference in criminal investigations, if the public safety director was appointed.

Following discussion, Commissioner Gimenez clarified the intent of his motion was that the Office of the Mayor shall not direct the operations of the Police Department.

Mr. DeGrandy, the seconder of the motion, concurred.

Discussion ensued among Task Force members whereupon Mr. Greenberg proposed that the foregoing motion be amended to include the language, “...the Mayor shall not, in any way, initiate, direct, terminate or otherwise interfere with any potential, future, or existing criminal investigation...”

After stating his concerns with the language in Mr. Greenberg’s proposed amendment, Commissioner Gimenez withdrew his motion.

It was moved by Mr. Hogan that the preliminary recommendation be ratified as the Task Force’s interim recommendation to the Board of County Commissioners relating to Issue No. 1: Public Safety Director (Sheriff), as amended to include the following language:

- Public Safety Director shall be appointed by the Mayor for a period of four (4) years, subject to reappointment;
- That the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission;
- That the Public Safety Director could be removed by the Mayor, subject to a simple majority vote of the County Commission;
- That the County Commission can remove the Public Safety Director by a super majority (two-thirds) vote;
- The Mayor shall not, in any way, initiate, direct, terminate or otherwise interfere with any potential, future, or existing criminal investigation.

This motion was seconded by Mr. Handfield, and upon being put to a vote, failed to carry by a vote of 7-8 (Mr. DeGrandy, Mayor Gibson, Commissioner Gimenez, Mr. Kuper, Mr. Lopez, Mayor Martinez, Ms. Soler-McKinley, Mr. Vazquez voted no) (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

It was moved by Mr. DeGrandy that the Task Force recommend to the Board of County Commissioners that the Public Safety Director be an elected position. This motion was seconded by Ms. Hernandez. Upon being put to a vote, the motion failed to carry by a vote of 6-9 (Mayor

Diaz-Padron, Mayor Gibson, Commissioner Gimenez, Mr. Greenberg, Mr. Handfield, Mr. Hogan, Mr. Lopez, Mr. Smith, and Chairman Diaz voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

It was moved by Mr. Hogan that the preliminary recommendation be amended to remove the phrase "...the Mayor shall not, in any way, initiate, direct, terminate or otherwise interfere with any potential, future, or existing criminal investigation..." and ratified as the Task Force's interim recommendation to the Board of County Commissioners relating to Issue No. 1: Public Safety Director (Sheriff) being elected, as follows:

- Public Safety Director shall be appointed by the Mayor for a period of four (4) years;
- At the expiration of each term, the Public Safety Director shall be subject to reappointment;
- That the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission;
- That the Public Safety Director can be removed by the Mayor, subject to a simple majority vote of the County Commission;
- That the County Commission can remove the Public Safety Director by a super majority (two-thirds) vote; and
- Once appointed, that person shall carry out the functions and duties of the office independent of the County Commission and the Office of the Mayor, except for budget and funding requests.

This motion was seconded by Mr. Lopez.

Following further discussion regarding the Public Safety Director having the ability to appoint his/her assistants and support staff, Mr. Lopez withdrew his second.

The motion was then seconded by Mayor Diaz-Padron, and upon being put to a vote, passed by a vote of 10-5 (Mayor Gibson, Mr. Kuper, Mr. Lopez, Mayor Martinez, Mr. Vazquez voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Issue No. 1: Supervisor of Elections

It was moved by Mr. Handfield that the preliminary recommendation be amended and ratified as the Task Force's interim recommendation to the Board of County Commissioners relating to Issue No. 1: Supervisor of Elections as follows:

- that the Supervisor of Elections remain an appointed position for a period of four (4) years;
- at the expiration of such term, the Supervisor of Elections shall be subject to reappointment;
- that the appointment can be vetoed by a super majority (two-thirds vote) of the County Commission;
- that the Supervisor of Elections can be removed by the Mayor, subject to a simple majority of the County Commission;
- that the County Commission can remove the Supervisor of Elections by a super majority (two-thirds vote); and

- that once appointed, that person shall carry out the functions and duties of the office independent of the County Commission and the Office of the Mayor, except for budget and funding requests.

This motion was seconded by Mr. Hogan, and upon being put to a vote, passed by a vote of 10-5 (Mr. Kuper, Mr. Lopez, Mayor Martinez, Mr. Vazquez, and Mayor Gibson voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Issue No. 1: Tax Collector

It was moved by Commissioner Gimenez that the recommendation, “that the Tax Collector position remain an appointed position,” be ratified as the Task Force’s interim recommendation to the Board of County Commissioners. This motion was seconded by Mr. Greenberg, and upon being put to a vote, passed by a unanimous vote of those members present (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Issue No. 4: Mayor and Board of County Commissioners (Board) Composition

It was moved by Mr. DeGrandy that the preliminary recommendation, “that the Composition of the Board of County Commissioners be kept as it is currently with 13 single-member Commission Districts,” be ratified as the Task Force’s interim recommendation to the Board of County Commissioners. This motion was seconded by Mr. Smith, and upon being put to a vote, passed by a majority vote of those members present (Mr. Greenberg voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Mr. Smith noted for the record, that at the time the Task Force voted on its preliminary recommendations, it had not received any proposals from the Haitian-American community addressing the composition of the Board of County Commissioners. He noted, subsequently a proposal to increase the composition of the Board by two seats was received, however, this proposal had been voted down by the County Commission in the past.

Having concluded consideration of the preliminary recommendations, discussion ensued among members of the Task Force regarding the composition/layout of the interim report to the Board.

There being on objection, Chairman Diaz proposed that a committee comprised of several members of the task force hold an advertised meeting for the purpose of revising the Task Force’s interim report. Members of the Task Force provided input on what should be included in the report.

Following discussion, it was moved by Mr. DeGrandy that the interim report include language in the Executive Summary or Introduction indicating that “Dissenting opinions are attached.” This motion was seconded by Mr. Smith and upon being put to a vote, passed by a majority vote of those members present (Mr. Lopez and Mr. Kuper voted no); ((Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Ms. Hernandez, Mr. Holland, Mr. Illas, and Mayor Martinez were absent).

6. ADJOURNMENT

There being no further business to come before the Task Force, the meeting was adjourned at 1:32 p.m.

Victor M. Diaz, Chairman
Charter Review Task Force

4-A

Charter Review Task Force

Initial Recommendations to the
Board of County Commissioners

October 31, 2007

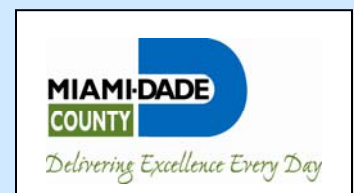


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Executive Summary

At its October 17, 2007 meeting the Charter Review Task Force adopted **final** recommendations, which are summarized herein. This interim report describes the process of the Task Force deliberations, summarizes our factual investigations and provides a brief synopsis of the rationale for our recommendations to date. Additional recommendations on other pending questions of Charter reform will be provided with our Final Report, due January 29, 2008. Following the conclusion of this report, dissenting opinions are provided.

The Task Force recommends that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that:

1. The **Public Safety Director** (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)
2. The **Supervisor of Elections** shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)
3. The position of **Property Appraiser** become an elected position. (Motion passed: 12-4)
4. **County Commissioners** shall receive a population based salary provided by Florida's Statutory formula (approx. \$89,000); Commissioner's terms in office shall be limited to two, four-year terms; and Commissioners shall be prohibited from having outside employment. (Motion passed unanimously: 14-0)

The Task Force further recommends that the Home Rule Charter not be amended with respect to the following issues:

1. The **Tax Collector** remain an appointed position. (Motion passed unanimously: 14-0)
2. The manner in which the **Board of County Commissioners** is currently comprised shall remain as is, with 13 single-member Commission Districts. (Motion passed: 14-1)

Official minutes of all Charter Review Task Force meetings and public hearings are available to the Board and the public at www.miamidade.gov/charterreview .

Introduction & Background

The Miami-Dade County Home Rule Charter was adopted in 1957, essentially becoming the "constitution" for Miami-Dade County. This year we celebrate the Fiftieth (50th) Anniversary of the Charter's adoption. This grant of state constitutional authority to the electors of Miami-Dade County is perhaps the greatest legislative achievement of the last half-century for this County's residents. The Home Rule Charter grants the voters of Miami-Dade County very broad powers to determine for themselves the form of self-government in order to provide for responsive, representative and efficient local government. The responsible and zealous defense and exercise of this unprecedented grant of Home Rule authority is a primary responsibility of this County's residents and elected officials.

In order to ensure that our Home Rule Charter is responsive to the changing needs of our community and is constantly reviewed in the light of past-performance, the Charter requires that the Board of County Commissioners (Board) review the Charter at least once every five years to determine whether or not it requires revision.

On April 24, 2007, per County Board Resolution No. R-462-07, Miami-Dade County's Charter Review Task Force (CRTF) was created in order to review the County's Home Rule Charter and submit recommendations to the Board setting forth any proposed amendments to the Charter. This CRTF consists of 21 members (Appendix A); 13 members are the Board or their designees, one member is the Mayor or his designee, four members are selected by the four largest cities in Miami-Dade County and three are selected by the League of Cities to represent the smaller cities in the County.

In conducting its review, the Board directed the Task Force to:

- Study the Final Report of the Charter Review Task Force dated July 10, 2001;
- Invite knowledgeable members of the community to appear and make recommendations;
- Conduct public hearings at various stages in the review process; and
- Provide a final report to the Board by October 31, 2007.

The Board also directed the Task Force per R-504-07 to review and make recommendations as to whether the Home Rule Charter should be amended to change the positions of Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections to elected positions.

The Task Force convened its first meeting on July 9, 2007, and has met at least every two weeks thereafter. At its July 23, 2007 meeting, the Task Force voted to request, and the Board subsequently approved, a 90-day extension to the original reporting deadline in order to accommodate a complete review and suggested amendments or revisions of the Home Rule Charter. County Resolution No. R-462-07 was amended so that the Task Force could present an Initial Report on October 31, 2007, with any recommendations finalized by that date, and a Final Report on or before January 29, 2008.

In this Initial Report, we make final recommendations regarding several of the 15 issues we have identified for critical study and deliberation. The Task Force believes that these proposals should be placed before the voters of Miami-Dade County for their consideration. We believe that these proposals, if adopted, would promote better government for the residents of Miami-Dade County. Like all solutions to complex issues, no proposal is immune from criticism or

perfect in every way. These proposals are the product of careful study, vigorous debate and – most importantly – the balancing of many competing considerations. The Task Force believes that by placing these initiatives before the voters of Miami-Dade County, the Board will provide the electorate an opportunity to enhance the efficiency and responsiveness of County government and allow the people of Miami-Dade County – to whom the grant of Home Rule authority was given – the opportunity to have the final say on what, if any, changes they would like to see in the manner in which these aspects of County government are currently organized.

Public Input in Charter Review Process

As directed by the Board, this Charter Review process has provided for a high degree of public participation. Without question, the degree of public participation in this Charter Review process has been significantly greater than at any time in the recent past. The Task Force members and County staff have been committed to identifying new and creative means of providing meaningful public information and education, as well as access to the Charter Review process. Internet technology and the use of televised public hearings, supplemented with inter-active technology – allowing viewers to email or call in questions or comments – opened access to this process to many more people than ever before and helped test a new option for future County public outreach efforts. The success of these new initiatives in public awareness and participation allowed the Task Force to receive much more extensive public input than expected based on historical precedents.

Charter Website

The Charter Review Task Force website (www.miamidade.gov/charterreview) was launched on July 12, 2007. The comprehensive website includes valuable information such as historical charter information, previous task force reports, research performed by staff and benchmarking information. Also posted on the website are all meeting agendas and minutes, as well as the record of statements from the four public hearings held, and information on the Task Force membership. Most importantly, the website provides for a vehicle to encourage public input and comment on all matters under consideration as well as these initial and future recommendations of the Task Force. At any point in this process, the public has and will continue to be able to send comments to the Task Force through this website or via e-mail at charter@miamidade.gov. All comments received have, and will continue to be, provided to Task Force members for their review and consideration. As of October 30, 2007, 106 e-mail comments have been received. And most significantly, we have had over 6,200 visitors to the Charter Review website, an unprecedented degree of public feedback and interest in this Charter Review process. Please visit our website for a complete review of our work to date.

Input from Knowledgeable Members of the Community

In response to the Board's explicit direction, the Charter Review Task Force invited input from many knowledgeable members of the community, as well as from outside Miami-Dade County. Specifically, the Task Force solicited input from the Miami-Dade County Mayor, Board members and Manager; all municipal Mayors and their respective Commission/Board/Council members; and Managers, Attorneys and Clerks. In addition, the Task Force sought input and feedback from many notable current or former public servants including the Miami-Dade State Attorney, former County Mayor Alex Penelas, former County Manager Merritt Stierheim, Inspector General Chris Mazzella, Commission on Ethics Director Robert Meyers, and attorneys: Dan Paul, Esq., Gene Sterns Esq., Parker Thompson, Esq., and Osvaldo Soto, Esq.

We also invited comments from the various community and civic organizations, including the Miami-Dade League of Cities, Greater Miami Chamber of Commerce, the Miami Business Forum, the National Association of Counties and the International City/County Management Association. Comments from government scholars, including Professor Tony Alfieri from the University of Miami, and Professor Christopher Warren and Professor Dario

Moreno from Florida International University, were also solicited. Finally, the Task Force invited live testimony from the elected sheriffs, property appraisers, and supervisor of elections from Broward, Duval and Hillsborough counties and the tax collectors from Duval and Hillsborough counties.

Workshops & Public Hearings

To date, the Task Force has held four public hearings. The first public hearing and workshop was held on August 14, 2007 in the Miami-Dade County Commission Chambers. This first public hearing was televised on countywide cable and allowed viewers to interact with the Task Force via phone or by e-mail. In light of the overwhelmingly positive, public feedback and high degree of participation at that interactive and televised public hearing, the Task Force approved a change in format for future regional public hearings. The intended objective of this change in format was to take advantage of technological advances, while still providing regional access to the Task Force workshops and public hearings.

In order to expand the opportunity for public comment and participation, the workshops and public hearings on August 28 and 30, 2007 were held at the Commission Chambers, while allowing participation from remote regional locations, at the Joseph Caleb Center and West Dade Regional Library on August 28 and Cities of Hialeah and Miami Beach on August 30. This combined approach allowed residents to participate in person at the Commission Chambers or from the remote locations, view live on Cable TV or on the internet, and provide comments via e-mail or phone.

In addition, on August 22, 2007, a Charter Review Task Force workshop and public hearing was successfully held at the South Dade Government Center in the form of a traditional town hall meeting.

Over 275 people attended these workshops and additional public comments were received during the workshops via e-mail and phone.

The Task Force continues to receive public comments via email through the website at www.miamidade.gov/charterreview. We believe that the degree of public participation fully complies, if not exceeds, the Board's desire to engage the community in this process and to promote greater awareness of the Home Rule Charter.

Media Outreach

The Charter Review Task Force implemented a media plan to ensure media coverage and encourage public participation in our deliberations. The comprehensive media plan included radio, print, TV, internet and other outlets. In addition, per the direction of the Task Force, staff created an e-mail group and distributed all information regarding Task Force meetings to all County boards for their dissemination, using them as a vehicle for getting the word out about Task Force efforts.

As part of this effort, the Task Force received coverage in the following media outlets:

- The Miami Herald
- The Miami Herald, Neighbors
- El Nuevo Herald

- South Florida CEO Magazine
- Daily Business Review
- Diario las Americas
- WLRN, 91.3 FM
- WMBM, 1490 AM
- Radio RCH (FM/AM and online)
- ABC, Ch. 10
- Univision, Ch. 23
- Miami-Dade TV (and online)
- City of Miami TV (and online)
- City of Miami Beach TV (and online)
- Watchdog Report
- Sayfie Review
- Eye on Miami Blog
- "What's New" Miami-Dade Employee Newsletter

In addition to media outreach, the Chairman or representatives of the Task Force have appeared, or agreed to appear, before various community and civic organizations to discuss the Charter Review process and recommendations, including:

- The Miami Herald Editorial Board
- The Miami Business Forum
- The Greater Miami Chamber of Commerce Executive Board and General Membership meetings
- The Miami-Dade League of Cities

Issues Adopted by Charter Review Task Force

One of the first assignments tackled by the Task Force was to try to identify a preliminary list of issues for study and deliberation which could serve to organize the work of the Task Force. In order to compile this list of priorities, the Task Force requested input from each member of the Board, the Mayor, the County Manager, the Office of the County Attorney and a long list of knowledgeable persons and organizations identified by members of the Charter Review Task Force. In addition, each member of the Task Force was requested to provide their own list of issues for consideration and further study.

The result of this canvassing process was a wide array of issues, many of which easily could be grouped into related categories. After grouping related suggestions and recommendations, the Task Force devoted several of these meetings to prioritize these issues. First priority was given to those issues referred to the Task Force for specific consideration by the Board. The remaining issues were ranked in order of priority based on the number of individuals who identified each issue as a matter for Task Force consideration.

Following the completion of the public hearings, the Task Force list of issues was reviewed and re-prioritized in order to reflect public input and comment. On August 1, 2007, the Task Force voted to adopt 12 issues of study during this Charter Review process. The list was modified by the Task Force at its September 5, 2007 meeting to include three additional issues. The 15 issues of study that have been identified by the Task Force in the current order in which they will be considered are as follows:

1. Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected
2. Study of Mayor and Board of County Commissioners (Board) compensation
3. Study of Term Limits - Board or other elected officials
4. Study of Board Composition
5. Study of Municipalities and Unincorporated Municipal Service Area (UMSA) Services (Creating and Abolishing Municipalities, Separation of Powers or Responsibilities between the County and Municipalities, and Annexation or Incorporation in Effort to Eliminate UMSA)
6. Study of Initiative, Referendum, Petition and Recalls
7. Study of the Balance of Power between the Mayor and Board (functions of Mayor vs. County Manager and Powers of Commission Auditor)
8. Study of Procurement Reform
9. Study of Lobbying Reform
10. Study of Ethics Regulations

11. Study of Public Records
12. Study of Zoning and Urban Development Boundary (UDB) reform
13. Study of the Delineation of Powers and Checks and Balances of the Ethics Commission and the Office of the Inspector General for Inclusion in the Charter
14. Study of Any Changes to the Form of County Government be Required to be Placed on the Ballot during a General Election
15. Study of Placement in the Charter Language regarding County employees Convicted of Any Crime Involving a Breach of the Public's Trust be Subject to Forfeiture of his/her Public Salary, Pension Rights and Privileges

Initial Recommendations to Date

At its October 17, 2007 meeting, the Charter Review Task Force adopted the following **final** recommendations on Issues 1-4 for inclusion in this October 31, 2007 initial report to the Board. In arriving at these recommendations, extensive resource materials were collected and evaluated by County staff and provided to the Task Force. It would be impossible to summarize all of the extensive factual material considered by the Task Force in arriving at our initial recommendations. However, it is important to note the great amount of factual and resource materials which informed our discussions. All of these resource materials are available to the Board and to the public on the Charter Review website.

At the request of the Task Force, initial research was performed by staff regarding best practices in municipal and county governance. Initial benchmarking research regarding the form of government, board composition and whether constitutional officers are elected or appointed for a sample of large Florida counties and selected counties nationwide were provided to Task Force members. Charters for a majority of the sampled counties are also available on the Charter Review website.

Additionally, staff identified a number of organizations that research local government issues and provided links to their sites on the Charter Review website. Specifically, the research section includes links to the National League of Cities and the National Civic Organization, which both include information on charter revisions and model charters. Other links and resources include:

- American Government and Public Policy Internet Resources-Institute of Governmental Studies Library, University of California at Berkeley
- American Society for Public Administration
- Florida Association of Counties
- Florida League of Cities
- Governing Magazine
- Government Innovators Network at Harvard University
- International City/County Management Association (ICMA)
- International Institute of Municipal Clerks
- National Association of Counties (NACo)
- National Civic League
- Nonprofit organization dedicated to strengthening citizen democracy in communities
- National League of Cities (NLC)
- State and Local Government on the Net
- State and local government Internet directory provided by HelloMetro
- State Links-Provided by Council of State Governments. State Web pages available on the Internet
- U.S. Conference of Mayors
- USA.gov Local Governments - Local government links from the U.S. government's official Web portal

At the onset of this Charter Review process, the Task Force agreed to make preliminary recommendations for public input and comment, and to vote on final recommendations prior to its October 31, 2007 deadline. The below summarizes, by issue, the research materials, rationale and justification for our recommendations.

Issue One - Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected

In order to gather information for this discussion, the Task Force invited comment from:

- The current Miami-Dade County office holders, through a presentation from the County Manager
- The elected Broward County counterparts for the Supervisor of Elections and Property Appraiser

Additionally, staff provided the Task Force with informational research and data including:

- Information grid containing arguments for appointing versus electing each position
- Public safety agency functions data grid for selected Florida counties
- A non-inclusive, random survey of news clips both pro and con relative to election and appointment of county officials, accompanied by a complete package of the referenced articles
- And, Articles or Studies on:
 - Elected Office of the Sheriff
 - Merger of Miami-Dade Police Department and Department of Corrections
 - Elections Officials, and
 - General Interest

At the request of the Task Force, additional staff research was provided including:

- County Attorney Legal Opinions:
 - Official Vested with the Constitutional Powers of the County Sheriff
 - Charter Amendment Protecting the Existing Civil Service Rights of Employees of Elected Sheriff
- Information on the Public Outreach Efforts of the Tax Collector, Property Appraiser, Sheriff and Supervisor of Elections
- Information regarding the Broward and Miami-Dade Counties Tax Collector, Property Appraiser, Sheriff and Supervisor of Elections. Specifically, the names and years of service of those currently serving in those elected positions in Broward County and appointed positions in Miami-Dade County, as well as their predecessors
- The minimum qualifications and job description for the Miami-Dade County Tax Collector, Property Appraiser, Sheriff and Supervisor of Elections

PUBLIC SAFETY DIRECTOR (I.E. SHERIFF, POLICE CHIEF)

Factors

In arriving at its recommendations regarding the position of Public Safety Director, the Task Force considered and debated the following issues:

- The desire to maintain the highest degree of professionalism and competence in the position of Public Safety Director.
- Public concern for the independence of the Public Safety Director in conducting criminal and internal ethics investigations.
- The recent public vote in favor of a Strong Mayor and how this public vote could be implemented while maintaining the dual goals of professionalism and independence.
- The desire to promote greater checks and balances on the exercise of mayoral authority over the Public Safety Director by providing a greater advisory role for the Board.
- The concern for the dilution of diversity gains by reverting to a purely elective position.

- The costs of running a countywide election and the possible effects of campaign fundraising on the public's perception of the independence and professionalism of investigations conducted by the Public Safety Director.

Recommendation

That the **Public Safety Director** (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)

Reasons/Justifications

The Task Force's recommendation was to maintain the current appointive process in a significantly modified form. In order to address concerns regarding the independence of future Public Safety Directors, the Task Force recommended new checks and balances on the Strong Mayor's power to appoint and remove the Public Safety Director. The Charter already provides for the Task Force's recommendation that the Board should have the right to veto any future appointments by a supermajority vote. The Task Force, however, is also recommending that the power of the Mayor to remove a Public Safety Director would now require the consent of a simple majority of the Board and that the Board would have a new and independent right to remove the Public Safety Director in those extreme circumstances where two-thirds of the Board felt it necessary. The four year reappointment requirement further strengthens this advise and consent role of the Board. Finally, and most importantly, the recommendations of the Task Force emphasizes the desire to have the Public Safety Director exercise his/her functions without interference from any elected official. The approach recommended by the Task Force, although not identical, is similar to that used by Federal Law Enforcement Agencies.

In addition, it is significant to note that the possible negative impact of diversity gains by reverting to countywide elections influenced many members of the Task Force in recommending the modified appointment process.

SUPERVISOR OF ELECTIONS

Factors

In arriving at our recommendations regarding the position of Supervisor of Elections, the Task Force considered and debated the following issues:

- The desire to maintain the highest degree of professionalism and competence in the position of Supervisor of Elections.
- Public concern for the independence of the Supervisor of Elections in conducting federal, state, county and municipal elections.
- The recent public vote in favor of a Strong Mayor and how this public vote could be implemented while maintaining the dual goals of professionalism and independence.
- The desire to promote greater checks and balances on the exercise of mayoral authority over the Supervisor of Elections by providing a greater advisory role for the Board.
- The concern for the dilution of diversity gains by reverting to a purely elective position.

- The costs of running a countywide election and the possible effects of campaign fundraising on the public perception of the independence and professionalism of the Supervisor of Elections.

Recommendation

That the **Supervisor of Elections** shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)

Reasons/Justifications

The same rationale described above that informed the Task Force's recommendation regarding the position of Public Safety Director guided the Task Force's final recommendation with respect to the Supervisor of Elections. In addition, the prospect of politicizing the Supervisor of Elections, who plays such an essential role in maintaining the integrity of the election process by requiring countywide election, greatly influenced the deliberations of the Task Force.

PROPERTY APPRAISER

Factors

In arriving at our recommendations, the Task Force considered and debated the following issues:

- The Board's resolution calling for a special election on whether the Home Rule Charter should be amended to provide for an elected Property Appraiser, which is to be considered by the Board for final approval at its November 6, 2007 meeting.
- The public's desire for tax reform.
- The desire to educate the public regarding issues related to property values, assessments and taxes.
- The level of discretion the Property Appraiser could exercise when assessing property, and any constraints set by the Constitution and general laws of Florida.
- The desire to maintain the highest degree of professionalism and competence in the position, and the current minimum qualifications for the position.
- The cost of running a County-wide election and the effect of campaign financing on the potential candidates for office.
- The expense involved in running an independent Property Appraiser's Office.

Recommendation

That the position of **Property Appraiser** become an elected position. (Motion passed: 12-4)

Reasons/Justifications

Recognizing the strong public interest and sentiment regarding property tax valuations and the role they play in setting the property tax burden for the residents of Miami-Dade County, the Task Force recommends that the Property Appraiser become an elected position. In recommending an elective process for this position, versus others that we recommended remain appointive, the Task Force noted three distinguishing important factor. First, the Task Force noted the apparent need for public education regarding the manner in which property taxes are calculated and levied and how an election campaign could assist in promoting public awareness

and education on these issues. Second, within the controlling State statutes there is acknowledged discretion in the Office of Property Appraiser in interpreting valuation criteria. The manner in which this discretion is exercised seemed a sufficient policy-making function to warrant direct election and elector accountability. Finally, the direct and immediate impact of property taxes on the ability of homeowners in Miami-Dade County to maintain homeownership and on the economic viability of small businesses justifies direct and substantial accountability to the public via election.

TAX COLLECTOR

Factors

In arriving at our recommendation, the Task Force considered and debated the following issues:

- The Tax Collector operates in a highly regulated environment, carrying out a myriad of largely administrative duties as set forth by the Constitution and general laws of Florida.
- That the Tax Collector was not a department head and reported to the Finance Director, an appointed position.
- The desire to maintain the highest degree of professionalism and competence in the position of the Tax Collector.
- The concern for the delusion of diversity gains by reverting to an elected position.

Recommendation

That the **Tax Collector** remain an appointed position. (Motion passed unanimously: 14-0)

Reasons/Justifications

The Task Force recommended against the Tax Collector becoming an elected position for many of the same reasons noted above, and most importantly, because the Tax Collector, if elected, would be the only elected official reporting to an appointive officer (Finance Director and/or County Manager). In addition, deliberate review of the restrictions placed by State law on the exercise of the powers of the Tax Collector convinced the Task Force that there was little, if any, policy-making discretion in this position that required altering the current appointed process or would justify converting the position into an elected position.

Issue 2 – Mayor and Board of County Commissioners Compensation & Issue 3 - Study of Term Limits - Board or other elected officials

These two issues were deliberated together by the Task Force. In order to gather information for this discussion, staff provided the Task Force with informational research and data including:

- Spreadsheet showing salaries and other benefits, length of term and term limitations, and limitations on outside employment for elected executive and commissioners for Florida counties and selected national counties

The following information was also provided to the Task Force by one of its members for consideration:

- Notes on a Charter Amendment: County Commission Salaries by Task Force Member Robert A. Ginsburg

Factors

In arriving at our recommendations, the Task Force considered and debated the following issues:

- A strong sentiment that the current structure under-compensates the members of the Board for what is essentially a full-time job.
- A desire to eliminate the perception of conflicts of interest created by the need for outside employment.
- An awareness that previous attempts at the ballot to raise BCC salaries have failed.
- A belief that public support for a salary increase may require linkages to other issues, i.e. term limits and ethics regulations.
- The advantages and disadvantages of term limits.
- Favorable public reaction at public hearings to the Task Force's preliminary recommendation.

Recommendation

Commissioners shall receive a population-based salary provided by Florida's Statutory formula (approx. \$92,000); Commissioners' terms in office shall be limited to two, four-year terms; and Commissioners shall be prohibited from having outside employment. (Motion passed unanimously: 14-0)

Reasons/Justifications

The Task Force acknowledges the full-time demands of managing a \$7.3 billion budget, which directly impacts the lives of over 2.3 million people, strongly suggests the need to convert the Office of County Commissioner into a full-time job with appropriate compensation. In recommending incorporating into our Charter the state statutory standards for compensating County Commissioners, the Task Force noted the successful use of these compensation standards in other counties in Florida. The Task Force recognizes that the imposition of term limits restrictions and the prohibition on outside employment place significant new restrictions on the Office of County Commissioner. However, the Task Force believes that there is strong public sentiment that any salary increase for County Commissioners should be accompanied by some countervailing restrictions on the other prerogatives of this office. In recognition of this public sentiment, the Task Force recommends the introduction of two four year term limits and a ban on outside employment. The proposed term limits would only apply for future service after the adoption of any Charter change. The restriction on outside employment is consistent with the desire to acknowledge the full-time demands of the Office of County Commissioner and to address public perception regarding the effect of outside employment on decisions made by the Board, notwithstanding conflict of interest rules. If adopted by the electors of Miami-Dade County, the Task Force believes that this transformation of the Office of County Commissioner would be a significant step towards more effective, ethical and transparent government.

Issue 4 - Board of County Commissioners Composition

In order to gather information for this discussion, the Task Force received a presentation from:

- Amy Horton-Tavera from the Office of Strategic Business Management who made a presentation on the models of legislative representation including majority rule and proportional presentation

Additionally, staff provided the Task Force with informational research and data including:

- Research on Models of Legislative Representation
- Article – “How Proportional Representation Elections Work”
- County Map by Commission Districts as of 1992
- Current County Map by Commission Districts
- Registered Voter information by Commission District
- Population Data by Commission Districts for 1990, 2000, 2005 (estimated) and 2010 (projection)

At the request of Task Force, additional staff research was provided to include:

- Information regarding persons of Haitian Ancestry or Ethnic Origin in Miami-Dade County who were counted in the US Census 2000
- Three Case Studies on Proposed At-Large Districts which included maps and 2000 and 2005 population figures:
 - Case Study 1 proposed four at-large districts
 - Case Study 2 proposed six at-large districts
 - Case Study 3 proposed five at-large districts

The following information was also provided to the Task Force by one of its members for consideration:

- Position Paper by Task Force Member Maurice Ferre – “Need for Change – Add At Large County Commissioners”
- Presentation by Task Force Member Miguel De Grandy regarding total expenditures for winning candidates of the most recent County general elections (2004 Mayoral and 2006 Commission elections)

Factors

In arriving at our recommendation, the Task Force considered and debated the following issues:

- The success of the current district election system in securing a diverse and geographically representative Board.
- The complexity of alternative voting systems (i.e. proportional and preferential voting), and the ability of the electorate to understand and accept unusual and unfamiliar voting formats.
- The viability of implementing alternative voting systems in a diverse community such as Miami-Dade County.
- The lack of any strong precedent for the use of alternative voting systems in a community as large or diverse as Miami-Dade County.
- A deliberate review and due consideration of Federal and Constitutional law governing voting rights.
- The size and composition of potential at-large districts and the concern that this could possibly create a two-tier class structure of Commissioners as well as dilute minority representation.

Recommendation

That the composition of the Board of County Commissioners be kept as it is currently, with 13 single-member Commission Districts. (Motion passed: 14-1)

Reasons/Justifications

In arriving at its final recommendations to retain the current system of election, the Task Force felt that the success of the current system in securing a diverse and geographically

representative Board strongly militated against any change. In addition, although appealing in theory, the practical and logistical difficulties of implementing alternative voting systems in a community as diverse as Miami-Dade County led to the rejection of these alternative proposals. Finally, although public criticism of the parochial tendencies of the current system are of concern, the Task Force felt that these issues could be better addressed through other mechanisms of Charter reform, including but not limited to, the study of the current process for municipal incorporation and annexation. Consequently, after concluding its deliberations on the manner by which the Board members are elected, the Task Force voted to accelerate Issue No. 5 (Study of Municipalities and Unincorporated Municipal Service Areas) in order to continue the general discussion of how to promote more regional forces for the Board and redirect the burden of delivering some municipal services to local governments.

Conclusion

While much has been accomplished, there still remains a great deal of work for the Charter Review Task Force. We hope this Initial Report will promote a vigorous and much-needed dialogue within our community on ways to improve County government. Complacency is the enemy of good government. We are acutely aware of our role as an advisory body to the Board, and have worked diligently to arrive at what we believe is the best advice we can offer the Board and our community regarding how best to achieve a more ethical, representative and responsive County government. The Task Force is grateful for the opportunity to serve our community and this Board, as well as for the extension of time granted by the Board to continue our work. Our initial recommendations are respectfully submitted for the Board's consideration.

This work could not have been performed without the professional support of staff from the County Executive Office, County Attorney's Office and Clerk of the Board. Specifically, we would like to mention and thank County Manager George M. Burgess, Assistant County Manager Susanne M. Torriente, and Assistant to the County Manager Maggie Fernandez; Assistant County Attorneys Joni Armstrong-Coffey, Cynthia Johnson-Stacks, Wifredo Ferrer, and Monica Rizo; Office of Strategic Business Management Director Jennifer Glazer-Moon and Vivian Duyos; and the Clerk of Courts, Harvey Ruvin, and Clerk of the Board Division Director, Kay Sullivan and Senior Commission Clerk Doris Dickens

In addition, we also thank staff from the Mayor's Office, County Attorney's Office, Office of Strategic Business Management, Planning Department and Elections Department for their detailed, timely and comprehensive research provided to the Task Force as we deliberated issues that will affect our community for years to come.

Dissenting Opinions

Appendix A

Charter Review Task Force Appointments

<u>Member</u>	<u>Appointment</u>
Mayor Carlos Alvarez	Maurice Ferre
District 5 – Chairman Bruno A. Barreiro	Victor M. Diaz, Jr., Task Force Chairman
District 1 – Vice Chair Barbara J. Jordan	Robert W. Holland, Esq.
District 2 - Dorrin D. Rolle	Larry R. Handfield, Esq.
District 3 - Audrey Edmonson	H.T. Smith
District 4 - Sally A. Heyman	John M. Hogan
District 6 - Rebeca Sosa	Carlos A. Diaz-Padron, Esq.
District 7 - Carlos A. Gimenez	Commissioner Carlos A. Gimenez
District 8 - Katy Sorenson	Lynn M. Dannheiser
District 9 - Dennis C. Moss	Murray A. Greenberg
District 10 - Javier D. Souto	Jorge Luis Lopez, Esq.
District 11 - Joe A. Martinez	Ignacio Jesus Vazquez
District 12 - José "Pepe" Diaz	Robert A. Ginsburg
District 13 - Natacha Seijas	Miguel A. De Grandy
City of Miami	François Illas
City of Hialeah	Raul L. Martinez
City of Miami Gardens	Mayor Shirley Gibson
City of Miami Beach	Mayor David Dermer
Miami-Dade League of Cities	Yvonne Soler-McKinley
Miami-Dade League of Cities	Elizabeth Hernandez
Miami-Dade League of Cities	Richard Kuper, Esq.

Charter Review Task Force Staff

County Attorney's Office:	Cynthia Johnson-Stacks, Assistant County Attorney Joni Armstrong-Coffey, Assistant County Attorney
County Manager's Office:	Susanne M. Torriente, Assistant County Manager Maggie Fernandez, Assistant to the County Manager Vivian Duyos, Office of Strategic Business Management
Clerk of the Board:	Kay Sullivan, Clerk of the Board Doris Dickens, Senior Commission Clerk



Miami-Dade County, Florida

Carlos Alvarez, *Mayor*

Board of County Commissioners

Bruno A. Barreiro, *Chairperson*

Barbara J. Jordan, *Vice-Chairperson*

Barbara J. Jordan	<i>District 1</i>
Dorin D. Rolle	<i>District 2</i>
Audrey Edmonson	<i>District 3</i>
Sally A. Heyman	<i>District 4</i>
Bruno A. Barreiro	<i>District 5</i>
Rebeca Sosa	<i>District 6</i>
Carlos A. Gimenez	<i>District 7</i>
Katy Sorenson	<i>District 8</i>
Dennis C. Moss	<i>District 9</i>
Sen. Javier D. Souto	<i>District 10</i>
Joe A. Martinez	<i>District 11</i>
José "Pepe" Diaz	<i>District 12</i>
Natacha Seijas	<i>District 13</i>

Harvey Ruvin, *Clerk of the Circuit and County Courts*

George M. Burgess, *County Manager*

Robert Cuevas, *County Attorney*

4-C

Memorandum



Date: September 26, 2007

To: Victor M. Diaz, Chairman
Charter Review Task Force

From: Susanne M. Torriente
Assistant County Manager

Subject: Informational Package for CRTF Issue 5 - Study of municipalities and the Unincorporated Municipal Service Area (UMSA)

At its September 19, 2007 meeting, the Charter Review Task Force (CRTF) approved by motion that the next issue for discussion at its October 3, 2007 meeting be the study of municipalities and the Unincorporated Municipal Service Area (UMSA), including creating/abolishing municipalities, separation of powers or responsibilities between the County and municipalities and annexation/incorporation in an effort to eliminate UMSA. This was as a result of the discussion regarding commission composition.

As requested, staff has prepared the following materials related to incorporation/annexations, including a brief history and current status in Miami-Dade County, information related to Broward County's incorporation process and previous ballot questions and results. Specific attachments are listed below for your information.

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

- A. Presentation on Miami-Dade County and Broward County Incorporation/Annexation
- B. Population statistics for Unincorporated Miami-Dade County (UMSA) and Municipalities
- C. Proposed Millage rates table for Unincorporated Miami-Dade County (UMSA) and Municipalities
 - Since some municipalities are conducting their final budget hearings this week, this table reflects the proposed millage adopted by each municipality for purposes of the Truth in Millage (TRIM) notices.
- D. Map of Miami-Dade County with Municipalities (larger map available at meeting)
- E. Map of Broward County with Municipalities
- F. Previous Ballot Questions & Results regarding UMSA Incorporation/Annexation

I would like to thank Office of Strategic Business Management Director Jennifer Glazer-Moon and her staff Jorge Fernandez and Vivian Duyos, as well as my assistant Maggie Fernandez, for pulling this information together. Staff will continue to research these issues, as well as the other issues approved by the Task Force.

- C: Charter Review Task Force Members and Staff
George M. Burgess, County Manager
Jennifer Glazer-Moon, Director, Office of Strategic Business Management

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. UMSA

- 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 (UMSA).
- Prior to the incorporation of Miami Lakes, thirty municipalities were in existence and 53 % of the population lived in UMSA.
- Today there are 35 municipalities and about 46% of the population lives in UMSA.

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 MDPD 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 policies 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.

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.

**Population by Race and Hispanic Origin
Miami-Dade County by Municipality, 2000**

Municipality	Total Persons	White Not Hispanic	Black Not Hispanic	Other Not Hispanic	Hispanic
Aventura	25,267	18,954	395	700	5,218
Bal Harbour	3,305	2,427	48	70	760
Bay Harbor Island	5,146	3,094	78	158	1,816
Biscayne Park	3,269	1,658	574	170	867
Doral	21,000	5,037	469	1,346	14,148
Coral Gables	42,249	20,168	1,290	1,088	19,703
El Portal	2,505	399	1,482	142	482
Florida City	7,843	549	4,374	401	2,519
Golden Beach	919	688	3	28	200
Hialeah	226,419	18,267	2,127	1,482	204,543
Hialeah Gardens	19,297	1,683	70	220	17,324
Homestead	31,909	7,295	6,886	1,191	16,537
Indian Creek Village	33	29	0	0	4
Islandia	6	6	0	0	0
Key Biscayne	10,507	5,058	28	190	5,231
Medley	1,098	198	75	28	797
Miami	362,470	42,897	72,190	9,032	238,351
Miami Beach	87,933	35,959	2,491	2,483	47,000
Miami Gardens	100,809	4,297	77,744	2,464	16,304
Miami Lakes	22,676	6,362	530	701	15,083
Miami Shores	10,380	5,043	2,440	640	2,257
Miami Springs	13,712	5,073	163	303	8,173
North Bay Village	6,733	2,722	273	436	3,302
North Miami	59,880	10,860	31,758	3,393	13,869
North Miami Beach	40,786	10,104	15,273	3,164	12,245
Opa-Locka	14,951	469	9,933	281	4,268
Palmetto Bay	23,801	14,504	1,784	1,119	6,394
Pinecrest	19,055	11,961	295	1,147	5,652
South Miami	10,741	4,174	2,589	286	3,692
Sunny Isles Beach	15,315	9,010	271	427	5,607
Surfside	4,909	2,589	47	136	2,137
Sweetwater	14,226	884	14	75	13,253
Virginia Gardens	2,348	671	37	61	1,579
West Miami	5,863	878	6	52	4,927
Unincorporated Area	1,036,002	211,805	191,403	35,299	597,495
County Total	2,253,362	465,772	427,140	68,713	1,291,737

Note: The Town of Miami Lakes (December 2000), the Village of Palmetto Bay (September 2002), Miami Gardens (May 2003), and Doral (June 2003) were incorporated after the date of the Census, April 1, 2000. They have been classified in this table as municipalities, although they were not incorporated on the date of the Census.

Note: 'White Not Hispanic' and 'Black Not Hispanic' are for respondents of one race only. Respondents of two or more races are included in 'Other Non Hispanic'

Source: U.S. Census Bureau. 2000. Census 2000, Demographic Profile & Summary File 1, Table P4. Internet. Available from <http://factfinder.census.gov>. Miami-Dade County Department of Planning and Zoning, Research Section. 2002 & 2005.

2007 PROPOSED
MILLAGE CHART

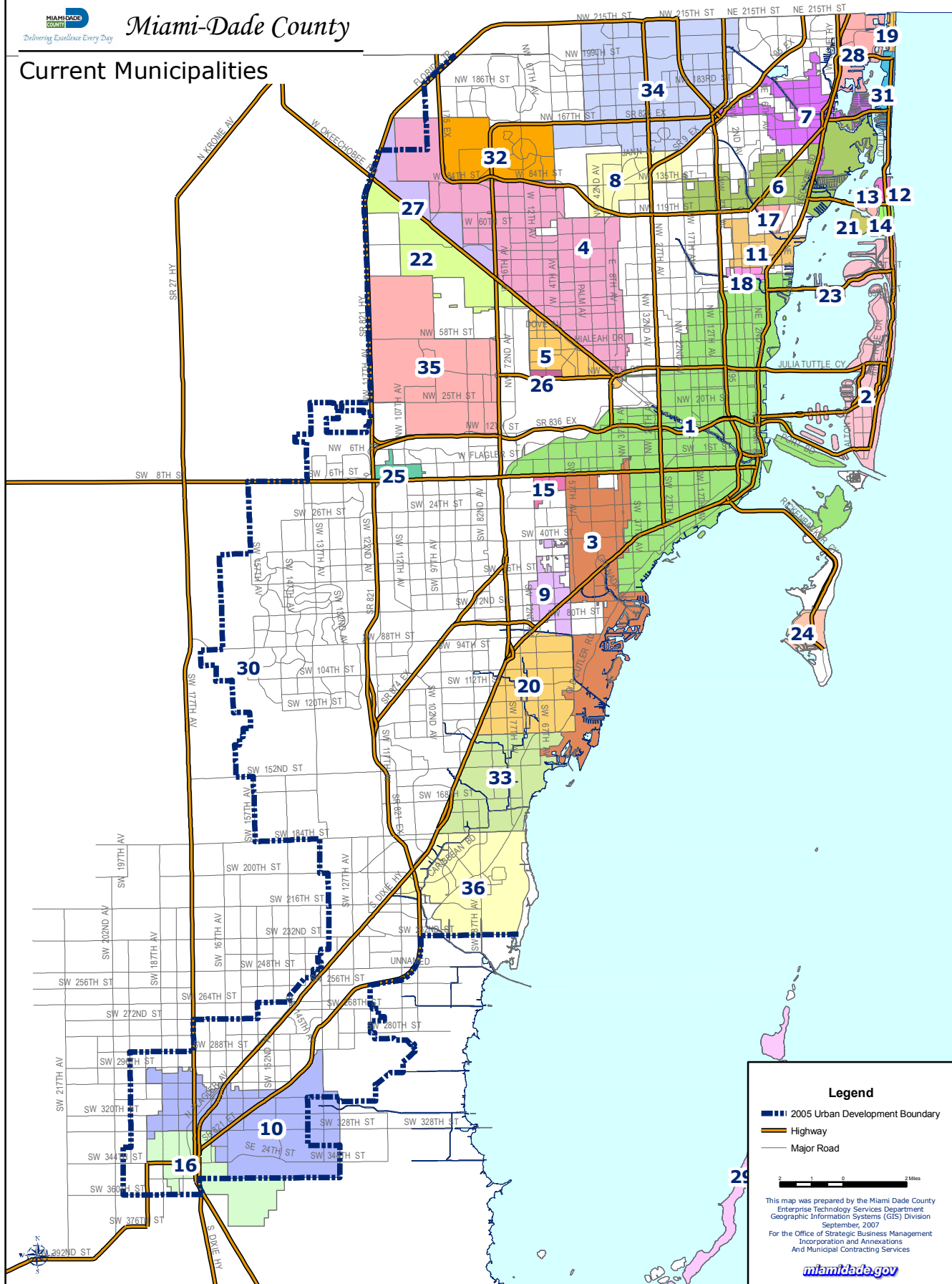
Millage Code	Municipalities or County Areas	City / Unincorporated Millages				School Millages		Regional Millages			County Wide Millages						Other		Total Millage 2007
		City / UMSA Millage	Debt Service	Misc. Millage	Operating Millage	Debt Service	Evr Proj.	So Fla Wtr Mgmt	FIND	County Millage	Debt Service	Fire & Rescue	Fire Debt	Library	Children's Trust				
1900	Golden Beach	8.5000			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	25.0264			
1700	Biscayne Park	8.3400			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	24.8664			
0800	Opa-Locka	3.0084			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	24.5348			
2900	Islandia	7.9671			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	24.4935			
2100	Indian Creek	7.9290	0.4500		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	24.9054			
1600	Florida City	7.7500			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	24.2764			
0100	Miami	7.2999	0.6210		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420		0.4223	22.1986			
1100	Miami Shores	7.1400	0.6764		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	23.9586			
1800	El Portal	7.0312			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	23.5576			
0500	Miami Springs	7.0000	0.3579		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	23.8843			
0600	North Miami	6.7943	0.1375		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420		0.4223	23.0740			
1500	West Miami	6.7376			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	23.2640			
0700	North Miami Beach	6.6905	0.7889		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420		0.4223	23.6216			
0400	Hialeah	6.5400			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	20.4335			
0900	South Miami	5.8810			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	22.4074			
2200	Medley	5.7513			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067		0.3842	0.4223	22.2777			
0200	Miami Beach	5.6555	0.2415		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850			0.3842	0.4223	20.1747			
0300	Coral Gables	5.4780			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850			0.3842	0.4223	19.7557			
1000	Homestead	5.1585			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	21.6849			
3400	Miami Gardens	5.1488			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	21.6752			
2700	Hialeah Gardens	4.9090			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	21.4354			
2300	North Bay Village	4.3434	0.1290		7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	20.9988			
1400	Surfside	4.2500			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420		0.4223	20.3922			
2600	Virginia Gardens	4.0816			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	20.6080			
1300	Bay Harbor Islands	3.6565			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420		0.4223	19.7987			
2500	Sweetwater	3.2786			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	19.8050			
2400	Key Biscayne	2.6990			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850			0.3842	0.4223	16.9767			
3200	Miami Lakes	2.4795			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	19.0059			
3500	Doral	2.4470			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.9734			
3600	Cutler Bay	2.4470			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.9734			
3100	Sunny Isles	2.3979			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.9243			
3300	Palmetto Bay	2.3736			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.9000			
1200	Bal Harbour	2.2874			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420		0.4223	18.4296			
3000	Uninc. County	2.0416			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.5680			
2000	Pinecrest	1.9500			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.4764			
2800	Aventura	1.7261			7.5700	0.3780	0.0894	0.5347	0.0345	4.5796	0.2850	2.2067	0.0420	0.3842	0.4223	18.2525			

Note: The final 2007 millage table is not out as some municipalities have not yet adopted their respective millage rate for the next fiscal year.



Miami-Dade County

Current Municipalities

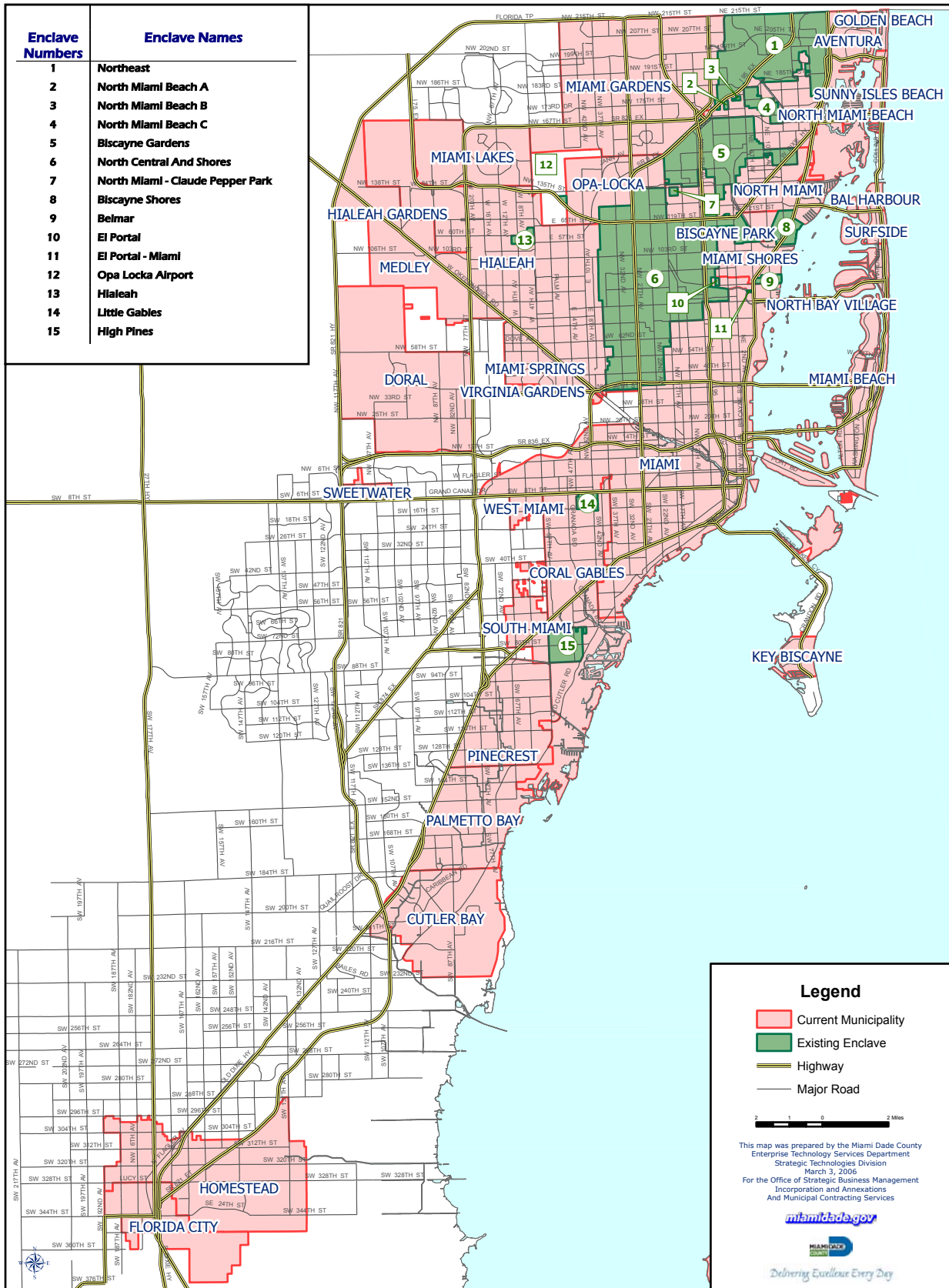


LEGEND

Municipal Code	Municipality
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

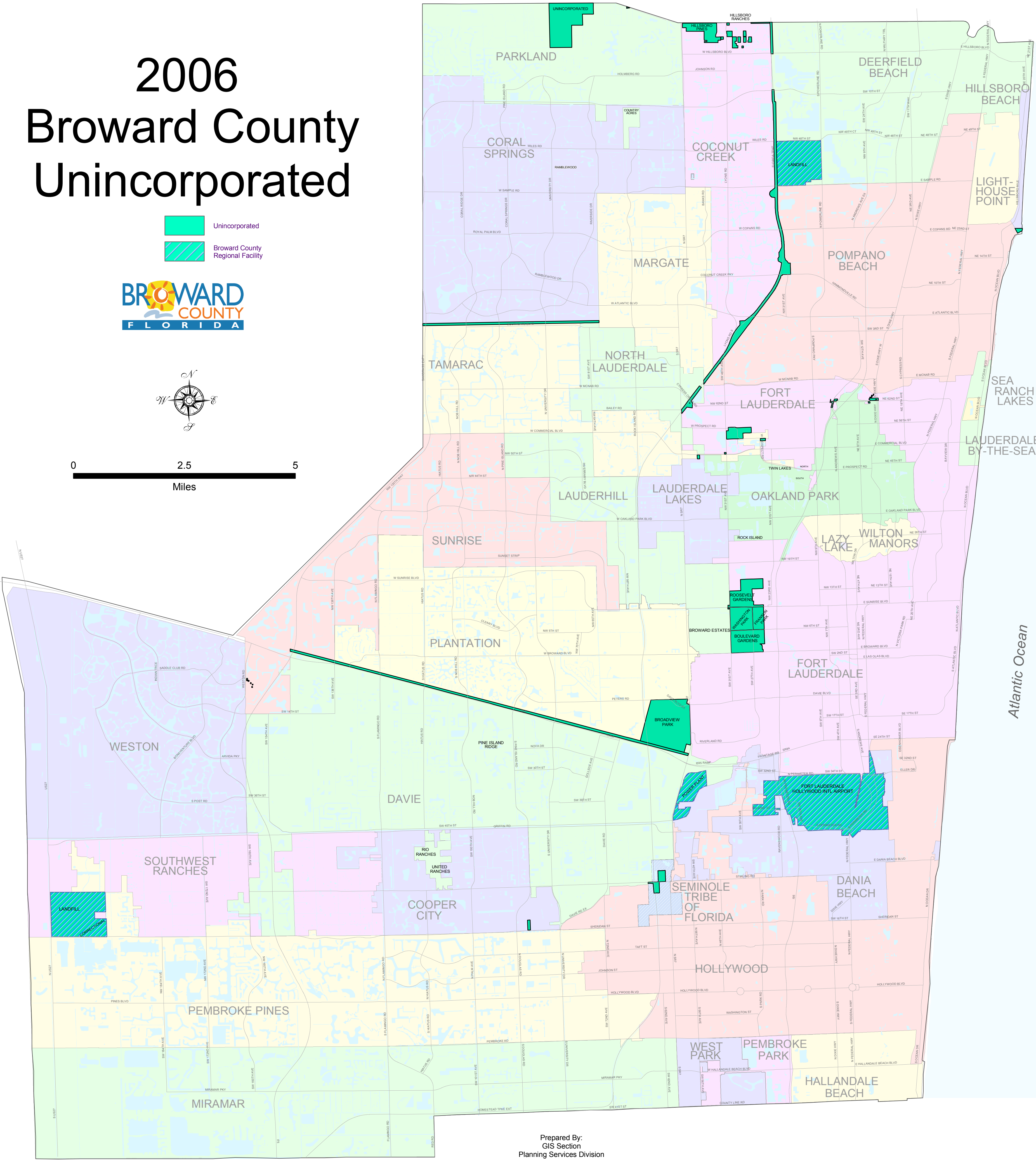
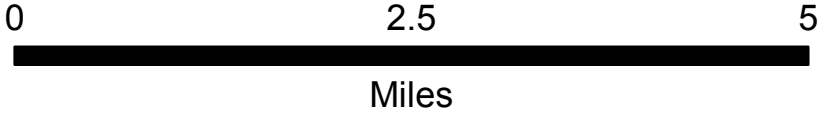
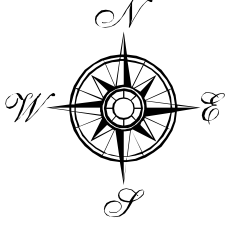
Miami-Dade County

Existing Enclaves



2006 Broward County Unincorporated

- Unincorporated
- Broward County Regional Facility



Prepared By:
GIS Section
Planning Services Division
Urban Planning and Redevelopment Department

**County Charter Amendment/Question
March 12, 1996**

All registered voters of Unincorporated Dade County (UN) may vote on the following question.

**NON-BINDING QUESTION RELATING TO GOVERNMENTAL
STRUCTURE OF UNINCORPORATED DADE COUNTY**

Which proposal do you prefer? (Vote for One Only):

- A. Continue to have the County consider applications for new cities on a case by case basis, or**
- B. Continue to have the County provide city services for residents of unincorporated Dade County, but simultaneously create community councils to serve as local zoning appeals boards with authority to make recommendations to the County Commission regarding various other governmental services, or**
- C. Develop a plan for creating cities throughout the entire unincorporated area.**

A.	171 ➡	19,839
B	173 ➡	26,445
C	173 ➡	11,630

**OFFICIAL SPECIAL ELECTION BALLOT
ANNEXATION TO THE CITY OF SWEETWATER
MARCH 7, 2006**

ANNEXATION TO THE CITY OF SWEETWATER

Shall the area within the boundaries generally described below be annexed to the City of Sweetwater:

Bounded on the NORTH by NW 25th Street;
Bounded on the SOUTH by Flagler Street;
Bounded on the WEST by the Homestead Extension of the Florida
Turnpike; and
Bounded on the EAST by NW 107th Avenue?

YES	50	500	42.84%
NO	51	667	57.16%

DISCUSSION OF ISSUE # 5

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.

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.¹

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,

¹ 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.² 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

² 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. Surges
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

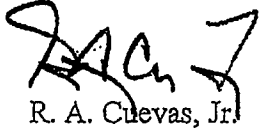


MEMORANDUM

(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

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

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

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:

[Signature]

Prepared by:

[Signature]

Craig H. Collier

5-A

Charter Review Task Force Upcoming Meeting Dates

Tuesday, November 20, 2007

10:00 am

Stephen P. Clark Government Center
111 NW 1st Street
Mayor's Conference Room – 29th Floor
Miami, Florida

Wednesday November 28, 2007

10:00 am

Vizcaya Village "Garage"
3250 South Miami Avenue
(Museum of Science Parking Lot)
Miami, Florida

Wednesday, December 12, 2007

10:00 am

Main Library Auditorium, 1st Floor
101 West Flagler Street
Miami, Florida

Wednesday, January 9, 2008

10:00 am

Main Library Auditorium, 1st Floor
101 West Flagler Street
Miami, Florida

Thursday, January 17, 2008

10:00 am

Stephen P. Clark Government Center
111 NW 1st Street
Conference Rooms 18-3 & 18-4
Miami, Florida

Wednesday, January 23, 2008

10:00 am

Main Library Auditorium, 1st Floor
101 West Flagler Street
Miami, Florida

Additional

Materials

Fernandez, Margarita (CEO)

From: Citizen_Email

Sent: Wednesday, October 17, 2007 8:11 AM

To: Charter (CMO)

Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Jose L Rodriguez**

Street Address: **14255 SW 38th Terrace**

City: **Miami**

State: **FL**

Zip: **33175**

Comment: **The incorporation process needs to be made easier for areas that want to govern themselves. The current requirement of signatures (25%) of registered voters of an area just to do a study is very unreasonable.**

10/26/2007

Fernandez, Margarita (CEO)

From: Torriente, Susanne M. (CEO)
Sent: Wednesday, October 24, 2007 1:16 PM
To: Fernandez, Margarita (CEO); Sori, Henry F. (CEO)
Subject: Fw: PASTOR CALLS FOR PUBLIC HUMILIATION OF CORRUPT PUBLIC OFFICIALS

Sent from Susy's BlackBerry Wireless Handheld

----- Original Message -----

From: simon@pastorsimongraves.com <simon@pastorsimongraves.com>
To: Torriente, Susanne M. (CEO); vdiaz@podhurst.com <vdiaz@podhurst.com>;
rhollandesq@aol.com <rhollandesq@aol.com>; lhandf2802@aol.com <lhandf2802@aol.com>;
john.hogan@hklaw.com <john.hogan@hklaw.com>; mad@degrandylaw.com
<mad@degrandylaw.com>; mayordermer@miamibeachfl.gov <mayordermer@miamibeachfl.gov>;
Mayor (Carlos Alvarez); Gonzalez, Delivette (Mayor's Office); Morales, Denis (Mayor's Office);
Mallette, Victoria (Mayor's Office); Jordan, Barbara (DIST1); District3; District4; District6; District7;
District8
Sent: Wed Oct 24 13:14:13 2007
Subject: PASTOR CALLS FOR PUBLIC HUMILIATION OF CORRUPT PUBLIC OFFICIALS

FOR IMMEDIATE RELEASE

October 24, 2007

Contact: Simon Graves, (305) 979-2462 or simon@pastorsimongraves.com

**PASTOR CALLS FOR PUBLIC HUMILIATION OF CORRUPT PUBLIC OFFICIALS Wants
punishment adopted as part of Miami-Dade County's current Charter Review**

WHAT: New proposal, web site, petition at www.pastorsimongraves.com

Fear and avarice have ruled Miami for too long! Under the County's current charter, the hard-earned rewards you have reaped are stolen, time and again by the greedy and powerful. They fear no reprisals. There are commissioners today who have been caught stealing your hard-earned dollars. What kind of example does this set for our children? **WE MUST CLEANSE THESE SINNERS FOR THE GOOD OF THE COMMUNITY!**

The Charter Review process has been ongoing since April 2007. Now is the time to join Pastor Simon Graves and his wife, Ruth, in bringing back public accountability by writing it into the County Charter. Let those who have sinned be punished in a public and REAL way! Let us look to the founding fathers of our nation for the solution.

In Colonial days, those merchants who took more than their share would be publicly doused in water and cleansed before the community. Heed the word of God and bring back purification by water

Erect a dunking stool in Bayfront park and hold public dousing of all embezzlers, and sticky-handed politicians who dip into the public coffers. Let them be dipped into the bay!

WHO: Pastor Simon Graves was born in Rutland Vermont. In 2001 he set out to earn his BA in Divinity from the Beeson School of Divinity. There at Beeson his studies of the lord, led him to live his life according to the Calvinist TULIP (total depravity of man, unconditional election of some to salvation, limited atonement, irresistible grace implied by the foregoing, and perseverance of the saints).

Pastor Graves recently retired to Homestead. His small new congregation of the New Covenant Bible Church is growing strong. Pastor Graves can feel the Lord watching him and all of Miami to see what will happen next. Will you be saved?

RELATED EVENTS: Next Charter Review Task Force meeting:

Wednesday, October 31, 2007

10:00 a.m.

Historical Museum of Southern Florida

101 West Flagler Street, Miami

(In Miami-Dade Cultural Plaza)