



Delivering Excellence Every Day

Charter Review Task Force Meeting

Wednesday, November 28, 2007

10:00 am

Vizcaya Village "Garage"

3250 South Miami Avenue

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - A. Record of Statements of the November 15, 2007 Workshop
 - B. Review of Draft Motions of November 20, 2007 Task Force Meeting
4. Old Business
 - A. Discussion of Issue 6 - Study of Initiative, Referendum, Petition & Recall
 - County Attorney's Office Legal Opinion (oral report)
 - B. Prioritization of Pending Issues of Study
 - C. Discussion on Sheriff's powers & Department of Corrections
5. New Business
 - A. Discussion of Issue 7 - Study of Balance of Power between Mayor & Board of County Commissioners
 - Review Functions of Mayor vs. County Manager
 - Review Powers of Commission Auditor
6. Adjournment – Next Meeting:

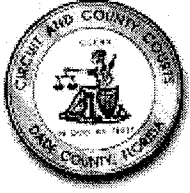
Wednesday, December 12, 2007
10:00 am
Main Library Auditorium, 1st Floor
101 West Flagler Street

**Charter Review Task Force
November 28, 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
CLERK'S SUMMARY
AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE**

Board of County Commissioners
Main Library Auditorium
101 W. Flagler Street, 1st Floor
Miami, Florida 33128

Meeting Date:
Thursday, November 15, 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 WORKSHOP
(Annexation and Incorporation)
November 15, 2007**

The Charter Review Task Force convened in a workshop on November 15, 2007, at 3:00 p.m. in the Main Library Auditorium, 101 W. Flagler Street, 1st Floor, Miami, Florida, there being present: Chairman Victor M. Diaz, Jr. and members Ms. Elizabeth Hernandez and Mr. Richard Kuper.

The following staff members were present: Assistant County Manager Susanne Torriente, Assistant to the County Manager Margaret Fernandez; Assistant County Attorney Craig Collier, Office of Strategic Business Management Director Jennifer Glazer-Moon and Coordinator Jorge Fernandez, and Deputy Clerks Diane Collins and Mary Smith-York.

CALL TO ORDER

Chairman Diaz called the meeting to order at 3:17 p.m. and provided opening remarks. He noted that after the last Charter Review Task Force's (CRTF) presentation before the County Commission, several task force members requested a workshop be held to discuss annexation and incorporation issues. Chairman Diaz recognized members Ms. Elizabeth Hernandez and Mr. Richard Kuper, who had exhibited great interest and were present today. He recognized County staff's presence at today's meeting and noted they were available to address questions. Chairman Diaz opened the floor to members' discussion.

DISCUSSION OF ISSUE #5: Incorporation and Annexation

Ms. Elizabeth Hernandez advised that she was appointed to the Task Force as a representative of the Miami-Dade County League of Cities (MDCLC).

Following Ms. Hernandez' remarks regarding the benefit of having guests present join Task Force members at the table, Chairman Diaz invited anyone wishing to take part in the discussion, to sit on the dais.

Mr. Kuper recognized Ms. Bev Gerald, representing Let's Incorporate Now Coalition (LINC), and referencing a handout she distributed, asked that she be invited to sit at the dais.

Chairman Diaz invited Ms. Gerald, as well as any police officer present wishing to speak, to sit on the dais.

Ms. Hernandez noted the issues regarding annexation and incorporation were very important to the citizens of this community, as well as to the impacted municipalities. She referenced a County Commission resolution, adopted in 1997, that provided for the County to be fully incorporated and/or annexed by 2007. Ms. Hernandez pointed out this had failed to occur due to

a government structured with competing issues. She advised that the MDCLC was interested in having a study done and reaching a consensus to determine the direction for the County's annexation and incorporation policy. Ms. Hernandez stated the MDCLC's position was, because the County currently provided both County and municipal services, there was a lack of efficiencies in government. Speaking from her personal experience and as a MDCLC representative, she explained that County Commissioners sometime competed against themselves when representing both, the County and the Unincorporated Municipal Services Area (UMSA). Ms. Hernandez emphasized the need to form a City/County partnership providing the greatest level of local and regional governmental services to the community. She pointed out these issues were highlighted in the paper by Ms. Lynn Dannheisser, entitled "Discussion of Issue #5 – Study of Incorporation and Unincorporated Municipal Service Area (UMSA)". Ms. Hernandez stated this meeting was requested so representatives of municipalities could express their views and address the County's concerns regarding communities being cherry picked. She advised that the Task Force needed to make a decision as to whether the voters should determine if Miami-Dade County should be fully incorporated; and if so, within what timeframe.

Chairman Diaz commented that discussion held at the last Task Force meeting stalled on the question pertaining to the manner countywide incorporation and annexation might be achieved. He noted a suggestion was made that this should be done by an independent body that had done a study and proposed a plan to be voted on by all citizens countywide. Chairman Diaz stated that proposal contained two fundamental assumptions: 1) the process would be driven from the top down, rather than the current bottom-up system; and 2) the decision-making authority would encompass all residents countywide, rather than the potential citizens of the proposed new municipality. He noted another alternative would be to lower the thresholds and reverse the restrictive legislation in the existing system. Chairman Diaz explained the bottom-up system that granted authority first to the Board of County Commissioners, with respect to whether municipalities would incorporate; then to the citizens of the respective municipality.

In response to Chairman Diaz' inquiry as to which of the two models she would prefer, Ms. Hernandez indicated a hybrid model should be considered. She proposed a hybrid model that allowed approximately two years for prospective municipalities to decide whether to incorporate/annex, after which, the County Commission would review the policies to take a proactive approach towards incorporation and annexation of the entire Miami-Dade County.

Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, noted the County Commission considered two resolutions regarding the full incorporation of Miami-Dade County in 1997 and in 2002, and neither resolution passed.

Ms. Hernandez advised the Task Force received a report stating the resolution was adopted. She read into the record an excerpt from a positioning paper by former Mayor Alex Penelas dated March 9, 1998, stating "...The Board of County Commissioners has adopted a resolution expressing the intent to get out of the municipal services business by 2007..."

Chairman Diaz asked that Ms. Glazer-Moon investigate this matter and provide the findings clarifying what action the Commission took regarding the subject resolution, at the next Task Force meeting.

Ms. Glazer-Moon agreed to research this matter and report back her findings to the Task Force.

Mr. Keven Klopp, City Manager, City of North Miami Beach, noted a letter was received from the County regarding annexing enclaves surrounding the City's boundaries. He advised he met with representatives from the Northeast and Biscayne Gardens Municipal Advisory Committees (MAC). Mr. Klopp noted agreement among municipal representatives that without the hybrid model, the issue would continue unresolved. He concurred with the recommendation to allow the process a specific time period, and at the end of that time period, initiate steps to incorporate the entire county.

In response to Chairman Diaz' questions regarding the four donut hole areas within the City of North Miami Beach's boundaries, Mr. Klopp advised that the current movement was citizen driven and was not focused on those four areas.

In response to Chairman Diaz' request for a map indicating the boundaries of MACs, Ms. Glazer-Moon advised this designation already existed on a different set of maps.

Responding to Chairman Diaz' question of why additional time for the current process be granted when it had already run for so long with little success, Mr. Klopp stated he believed the process had not run its course, but was stagnant.

Following a brief explanation of the color-coded designations on the different maps displayed, Chairman Diaz described the impact support for the hybrid model would have on the Charter, including abolishing mitigation fees, lowering thresholds for petitioning for MACs, reversing legislation and, if not resolved by a certain date, requiring the County Commission to propose a plan.

Ms. Eve Boutsis, Attorney for the Village of Palmetto Bay and City of South Miami, spoke in support of the hybrid model, advising constant changes to mitigation fees and the threshold requirements for petitions were stumbling blocks in the incorporation process. She noted the Council for Palmetto Bay supported the hybrid model; however, she was unsure of the City of South Miami's position.

Mr. Klopp advised that the council of the City of North Miami Beach had not formally established a position on the issue at this point.

Ms. Glazer-Moon pointed out that the issues concerning annexation and incorporation being discussed, were included in the Code of Miami-Dade County; not in the Home Rule Charter.

Ms. Bev Gerald, Chair, Let's Incorporate Now Corporation (LINC), appeared and expressed concern regarding the hybrid model.

Mr. Samuels appeared and spoke on the issue of incorporation as it pertained to the North Central area of the County. He stated a desire to move the incorporation process forward with

accurate information including a feasibility study to assess the area based on the cost for police services.

Chairman Diaz asked Ms. Glazer-Moon whether it was possible to create a set of objective criteria that, when complied with, would guarantee a vote of the people within the district's boundaries, or whether those criteria would require constant changes.

In response, Ms. Glazer-Moon advised that staff could develop such a list of criteria for this purpose. Regarding Chairman Diaz' inquiry pertaining to calculating revenue neutrality, Ms. Glazer-Moon noted two different issues were involved and advised staff served two roles that sometimes conflicted with each other.

Discussion ensued between Chairman Diaz and staff regarding the issue of calculating revenue neutrality and allegations that the County calculated costs in an arbitrary manner to discourage incorporation. Ms. Glazer-Moon explained the process for calculating revenues and expenses for areas to be annexed or incorporated.

Chairman Diaz recommended the County no longer perform the task of calculating revenues for incorporations, rather require that to be the responsibility of the groups forming the incorporations. He suggested criteria that included lowering all other thresholds and the Board of County Commissioners or other body propose the revenue calculation. Chairman Diaz acknowledged overall concurrence that once a system was in place, it should be voted on by the affected people in the area seeking to incorporate; not by the County as a whole.

Discussion ensued among Task Force members and staff regarding whether the voting should be limited to the affected people versus countywide voting.

Ms. Hernandez addressed the issue regarding certain areas being ignored by the County in terms of capital improvement. She questioned whether an area seeking to incorporate or annex should bear the burden of those neglected areas. Ms. Hernandez suggested the County follow the method used in Broward County, wherein tax proceeds were used to fund improvements to such areas.

Following further discussion, Chairman Diaz posed the question of what system best addressed the inevitable disparities that piecemeal incorporation created.

In response, Ms. Gerald addressed the issue of revenue neutrality and noted it should not be included in the criteria. She stated North Central Dade and Biscayne Gardens were recipient communities and other areas were donor communities, which balanced out. Ms. Gerald spoke in support of a vote by the affected people, rather than the County. She suggested letting donor and recipient communities grow out so the system would balance out.

Chairman Diaz expressed his concern with creating and endorsing a system that isolated recipient communities, forcing them to incorporate; thereby imposing the necessity of a higher millage rate in order to have the level of service enjoyed by other parts of the County.

In response to Mr. Kuper's inquiry regarding the need for a countywide vote, Chairman Diaz explained that this enabled recipient communities to vote on issues pertaining to portions of surrounding areas being targeted by other incorporating communities. He noted Mr. Degrandy's top-down system addressed this issue from a global perspective.

Discussion ensued among Task Force members and Mr. Samuel regarding recipient and donor communities and whether the top-down system or the bottom-up system would better accommodate the incorporation/annexation process in the County.

Ms. Hernandez spoke in support of the top-down system.

Mr. Kuper noted the need to address specific issues presented today, including disagreement with the 25 percent requirement for petitions. He noted he would attempt resolution of these issues at the League of Cities.

Chairman Diaz noted it was helpful having anecdotal information regarding the problems and the successes of the current system: why cities succeeded in their incorporations while others became frustrated. He stated the Task Force would inform the Board of County Commissioners as to whether this problem was susceptible to systemic solution, and what the best systemic solution was. Chairman Diaz stated if the County Commission was not allowed to continue its gatekeeper role, the people in line first would dictate the shape of the boundaries and the people at the end of the line would be disenfranchised.

Mr. Kuper recalled being told by mayors of recent municipal incorporations that they had been misguided by the County when presented with the numbers determining whether an area was a donor or recipient community.

Chairman Diaz noted criticism of the current process included opinions that the County was providing this information and the County Commission was exercising its gatekeeper functions arbitrarily. He noted the rules were being changed by the gatekeeper. Chairman Diaz advised that a superior system using a bottom-up approach without providing a vehicle for the last in line to vote on whether the first in line get to incorporate, would mean acceptance of the principle that people in the County will be forced to live in a recipient City. He stated he was convinced that merely tweaking the current system would not work and that it should be done by a vote of the community; not by charter amendment.

In response to Mr. Kuper's inquiry regarding whether the last group in line would annex another municipality, Chairman Diaz advised this was possible. He noted the last in line would be given two choices: to form its own city; or choose to annex one of the other cities. Chairman Diaz advised that the other cities would be given the opportunity to vote whether to accept the proposed annexation.

Ms. Glazer-Moon addressed the issue of what would be done about the areas within the Urban Development Boundary (UDB).

Chairman Diaz noted this issue would be discussed further at the next Task Force meeting. He encouraged the LINC organization to expand on its document and present it for discussion at the next Charter Review Task Force meeting.

ADJOURNMENT

There being no further discussion to be held, the Charter Review Task Force Workshop was adjourned at 4:55 p.m.

3-B

**CLERK'S DRAFT OF MOTIONS
CHARTER REVIEW TASK FORCE
MEETING OF NOVEMBER 20, 2007**

The following motions were made at the Charter Review Task Force meeting held on November 20, 2007.

3. Approval of Minutes

A. Approval of October 31, 2007 meeting minutes

Mayor Ferre requested that the minutes of October 31, 2007 be corrected in connection with agenda item 4A, Review and Approval of Interim Report to the Board of County Commissioners, to note he had indicated that if he had been present at the meeting of October 17, 2007, when the Task Force members had taken a final vote on the recommendations contained in its Interim Report, he would have voted "No" on the recommendations relating to the Public Safety Director, Property Appraiser and Supervisor of Elections, and that he was in support of the salary raise and term limits for county commissioners, however, the election should be held in November, as reflected in the Dissenting Opinion he had submitted relating to the Task Force's Initial Recommendations.

The Task Force by motion duly made, seconded and carried approved the minutes of the October 31, 2007 meeting as corrected.

4. Old Business

A. Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA)

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

It was moved by Mr. De Grandy that the Task Force recommend to the County Commission that an Independent Task Force be appointed to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and placed on the ballot for all citizens to vote on at a general election in 2010. This motion was seconded by Ms. Hernandez, and upon being put to a vote, passed by a vote of 12-2, (Mr. Ginsburg and Mr. Holland voted no), (Mayor Dermer, Mr. Greenberg, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley, and Mr. Vazquez were absent).

