



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Annexation & Incorporation Task Force

Stephen P. Clark Center
Conference Room 18-4
111 N.W. First Street
Miami, Florida 33128

April 3, 2013
As Advertised

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Board of County Commissioners

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**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES
MIAMI-DADE COUNTY ANNEXATION AND INCORPORATION TASK FORCE
APRIL 3, 2013**

The Miami-Dade County Annexation and Incorporation Task Force (the Task Force) convened its first meeting on April 3, 2013, at the Stephen P. Clark Center, Conference Room 18-4, 111 N. W. First Street, Miami, Florida, at 9:00 a.m. There being present Commissioner Barbara Jordan, Chairman Michael Pizzi, Vice Chairman Kenneth Forbes, Ms. Anne Cates, Ms. Rosa M. De La Camara, Mr. Carlos Diaz-Padron, Mr. Richard Friedman, Mr. Carlos Manrique, Ms. Deborah Skill Lamb (Mr. Lenny P. Feldman was late). (Mr. Manuel L. Marono was absent)

In addition to the members of the Task Force, the following staff members were also present: Assistant County Attorneys Craig Collier and Cynthia Johnson-Stacks, Budget Director Jennifer Moon, Office of Management and Budget (OMB), Mr. Jorge Fernandez, OMB Coordinator, and Deputy Clerk Flora Real.

Commissioner Jordan called the meeting to order at 9:10 a.m. and welcomed the Task Force members and all others present. She requested everyone to introduce themselves.

COMMISSIONER BARBARA JORDAN'S OPENING REMARKS:

Commissioner Jordan welcomed everyone to the meeting, and she noted the County Attorney's Office would provide an overview of the responsibilities of the members of the Task Force pursuant to resolution (R-983-12) creating this Task Force.

Commissioner Jordan presented a short background overview on incorporations and annexations and some of the problems created due to the County's failure to have in place incorporation and annexation guidelines and/or policies and to the sporadically requests for incorporations and annexations. Consequently, pockets of unincorporated areas or poverty areas remained around or inside municipalities because incorporating areas excluded those particular areas; and those areas became a concern. She commented those problems were addressed by the enactment of an ordinance sponsored by Commissioner Seijas and herself effectuating an incorporation/annexation moratorium in order to develop a plan; therefore, the County needed to establish a policy on how to incorporate and annex because the moratorium had been already lifted without a plan in place.

Commissioner Jordan stated, even though she believed communities had the right for self-determination, she had a responsibility towards the entire County and not just the area she lived in; and communities should have an understanding of the dilemma before them when an incorporation petition was under consideration. She explained the County had created a mitigation process to provide financial help to those pocket areas created by incorporations; but the newly incorporated City of Miami Gardens was a recipient community, which at the time of its incorporation, had insufficient resources to sustain the same level of services provided by the County. She noted the City of Miami Gardens had been unable to continue participating in the mitigation process to receive the benefits of those funds, and she expressed her concerns for other similar communities experiencing the same problem.

Commissioner Jordan explained she initially opposed the incorporation of the City of Miami Gardens because she knew the city would begin its operations with a budget deficit of approximately \$7.5 million, but the community was unaware of those facts at the time it was incorporating. She commented that she had commended the City Council for their demonstrated courage when a property

tax increase was approved. She noted that property taxes increased by 90% within two to three years of the City's incorporation.

Commissioner Jordan explained she sponsored a legislative item to allow any area within the County wishing to incorporate to do so and to form their own financial consultant group to obtain additional information directly from their consultants in addition to the information County staff could provide in order to create a balance, ensure the public had the ability to cross check information, and in response to the City of Miami Gardens' issue. She noted the intent of the legislation was to provide as much information as possible to the communities and the Municipal Advisory Committees (MACs) to allow them to make an informed decision on whether to incorporate in the event the financial report indicated that the area was financially unviable.

Pursuant to Commissioner Jordan's inquiry, Budget Director Jennifer Moon referenced the agenda package notebook provided to the Task Force members for today's (4/10) meeting, noting all active and pending applications were listed in the notebook. She advised that three MACs were pending and approved at first reading and several annexations remained pending.

Commissioner Jordan recommended that the Task Force members should concentrate on analyzing the entire County, identify any gaps, and prepare an overlay in order to be able to review the current municipal areas, pending applications, remaining Unincorporated Municipal Service Areas (UMSA), what constituted an overlay, and engage in a discussion of what should the Task Force recommend. She noted this Task Force could also decide to recommend that the entire Miami-Dade County be or not be incorporated, but the Task Force should consider what would happen to the remainder unincorporated areas if they chose to recommend that.

Commissioner Jordan stated that the County Mayor's staff had provided them with additional information; and she felt the Mayor's memorandum addressed to the members of the Annexation and Incorporation Task Force dated April 1, 2013, was an excellent summary of the ramifications regardless which direction the Task Force chose to recommend.

Upon conclusion of her opening remarks, Commissioner Jordan thanked all members of the Task Force for serving.

Assistant County Attorney Craig Collier provided an overview of the responsibilities of the members of the Task Force pursuant to the resolution creating the Task Force. He noted the Task Force's final recommendations had to be submitted by May 19, 2013, because the resolution required that the recommendations be submitted to the Board of County Commissioners (Board) within 180 days from the date of the resolution's adoption, which was November 20, 2012.

Assistant County Attorney Collier inquired if the Task Force members wished to request that the Board extend the deadline.

Assistant County Attorney Collier advised the resolution required that the members of the Task Force elect a chair and vice chair as one of their first responsibilities, noting the County Attorney's Office would provide advice between meetings or answer questions. He advised Sunshine Laws were applicable to this Task Force. He explained Task Force members were not allowed to discuss among

each other at a public function or outside of a duly noticed meeting of the Task Force matters which may come before them; but they were not prevented from discussing issues with members of the community. He also explained the requirements of the public record laws, noting calendars were considered public record; and the Clerk of the Board would properly notice meetings to ensure compliance with the Sunshine.

Commissioner Jordan expressed her willingness to request an extension of the timeline if the Task Force members felt it was necessary.

Commissioner Jordan asked that this assignment be done with the best interests of the entire County in mind and not done with a "tunnel vision." She referred to the Mayor's memorandum outlining the ramifications of leaving unincorporated areas unprotected and the cost associated with those actions.

Assistant County Attorney Collier introduced Assistant County Attorney Cynthia Johnson-Stacks; and he mentioned she was a member of the County Attorney's Annexation and Incorporation Team.

Upon conclusion of the opening remarks, the Task Force proceeded to select the chair and vice chair.

SELECTION OF A CHAIR AND VICE CHAIR

Assistant County Attorney Collier suggested the procedure which should be followed for the selection of a chair and vice chair.

Pursuant to Commissioner Jordan's request, Ms. Deborah Skill Lamb nominated Mr. Kenneth Forbes to serve as chair of the Miami-Dade County Annexation and Incorporation Task Force.

Mr. Forbes accepted the nomination.

Ms. Ann Cates nominated City of Miami Lakes Mayor Michael Pizzi to serve as chair of the Miami-Dade County Annexation and Incorporation Task Force.

Mayor Michael Pizzi accepted the nomination.

Commissioner Jordan called for other nominations; and there being no other nominations, the members of the Task Force proceeded to vote.

Prior to taking a vote, Assistant County Attorney Collier suggested the procedure for voting; and he noted that the Task Force members should either do a ballot vote for each person, which would be retained by the Clerk for the purposes of public records or by a voice vote. He stated the ballot vote required the voter's signature.

Assistant County Attorney Collier clarified the role of the chair pursuant to Ms. De La Camara's question.

Mr. Lenny Feldman joined the meeting and introduced himself.

Mr. Forbes and Mayor Pizzi provided a background overview on their professional experience and expertise.

Pursuant to Ms. De La Camara's inquiry, Assistant County Attorney Collier explained how a secret ballot should be submitted.

Upon submission and counting of all ballots, the Clerk announced six votes were submitted for Mayor Pizzi; and three votes were submitted for Mr. Forbes.

Chairman Pizzi began chairing the meeting and proceeded to select the vice chair.

Ms. Deborah Skill Lamb nominated Mr. Kenneth Forbes to serve as vice chair of the Miami-Dade County Annexation and Incorporation Task Force.

Mr. Forbes accepted the nomination.

There being no other nominations, it was moved by Ms. Lamb that the Annexation and Incorporation Task Force select Mr. Kenneth Forbes to serve as vice chair. This motion was seconded by Mr. Diaz Padron; and upon being put to a vote, the motion passed by a vote of 9-0. (Mr. Marono was absent)

DISCUSSION ON THE MAYOR'S REPORT TO THE TASK FORCE MEMBERS

Mr. Carlos Manrique asked that Commissioner Jordan provide the Task Force with her opinion on the recommendations Mayor Gimenez set forth in his report to the Task Force either verbally at today's meeting (4/3) or in writing for the next scheduled meeting.

Commissioner Jordan responded that, initially, she believed it contained solid recommendations on how to proceed; but she had interpreted the report as an informational item to explain the ramifications of certain course of actions.

Mr. Manrique pointed out the memorandum included certain recommendations in certain areas.

Following a discussion regarding the intent of the Mayor's report, Budget Director Moon advised the report submitted by the Mayor contained his recommendations and legislation relating to recommendations addressing Miami-Dade County Code changes, which were being drafted for the Board's consideration.

Commissioner Jordan commented that this Task Force should begin their work without pressures and should not perceive the Mayor's recommendations as a mandate; and while the Mayor's recommendations could be considered, the Task Force members should set forth recommendations which were strictly their own because there was no requirement to include the Mayor's recommendations. She noted that, in her opinion, those recommendations were merely his views; and it was not her intent to dictate the outcome.

Upon concluding the discussion on how to address the Mayor's recommendations, Chairman Pizzi suggested that the Task Force should organize a calendar, determine the frequency of meetings, and

how to proceed as their first item. He advised the Task Force should receive any pertinent information on the status of pending MACs; and as Commissioner Jordan and the Mayor said, all of the Task Force's recommendations should focus on policy related areas because it was the prerogative of the Board of County Commissioners to determine how best to proceed in every neighborhood after a policy was adopted. He stated it was not the responsibility of the Task Force to review specific areas to make decisions on that particular area; but rather, it was the Task Force's responsibility to conduct a global review of current policies such as the County's existing procedural processes.

Commissioner Jordan stated that the Task Force members should focus on the intent and requirements of the resolution creating the Task Force, and she reviewed specific mandates of the resolution.

Discussion ensued regarding the purpose and charge of the Task Force.

Mr. Richard Friedman suggested that the Task Force take into consideration pending incorporations and how approval of those incorporations would impact ad valorem tax rolls for the remaining unincorporated areas. He noted that economies of scale needed to be understood, and it was much more expensive on a per capita basis to deliver services for small municipalities, which was the rationale for the City of Jacksonville to incorporate as one. Therefore, the Task Force needed to first determine how those pending incorporations would impact remaining unincorporated areas.

Mr. Manrique noted that, as a member of the past Charter Review Task Force, he felt confused by the statement "we recommend" because this Task Force could create a dual system. He stated the Charter Review Task Force placed specific Charter language before the voters to amend the Charter, and that language was adopted. He noted the Charter already provided for a process for citizens to follow without having to solicit the sponsorship of a commissioner to prevent moratoriums in the future.

Commissioner Jordan reiterated the members of the Task Force were assigned the responsibility to develop the plan and the recommendations included in the Mayor's report should be viewed as a resource instead of the plan.

Chairman Pizzi referenced the Mayor's report and pointed out that Mayor Gimenez expected the Task Force to review and discuss the current annexation and incorporation process; and the report mentioned the County Charter provided certain permissions relating to franchise fees and utilities taxes in connection to annexations.

ORGANIZATIONAL RELATED ISSUES RELATING TO THE TASK FORCE

Chairman Pizzi commented on the importance of allowing public input, and he suggested the Task Force schedule its meetings during evening hours to allow for public participation.

Pursuant to Chairman Pizzi's inquiry, Assistant County Attorney Collier advised the resolution did not prevent the scheduling of evening meetings; but practical issues existed for departments due to security related issues.

Assistant County Attorney Cynthia Johnson-Stacks noted it was at the discretion of the members of the Task Force whether they wished to take public input.

Chairman Pizzi noted it was important to determine today (4/3) the frequency of the meetings, select the weekday and time of the meetings, and the discussion topics in order to establish an agenda and a schedule.

Ms. Lamb asked that Budget Director Moon prepare for the next scheduled meeting of the Task Force a report outlining population and tax base data for unincorporated areas and how pending incorporations would impact unincorporated areas.

Ms. Lamb expressed her concerns with the issue of municipalities, who were supposed to be financially sound at the time of its incorporations, coming back before the Board at a later date to request annexation of surrounding commercial areas. She explained the remaining unincorporated areas were impoverished when that happened, and the Task Force should take that into consideration if it was determined to recommend incorporation for all of Miami-Dade County because those areas would be unable to afford any of the services. She expressed her support for holding public meetings during the evenings in unincorporated areas, and she requested that those meetings be publicly notified.

In response to Mr. Feldman's question, Chairman Pizzi responded the Task Force had to submit its recommendation by May 19th unless the County Commission voted to approve an extension of the deadline; and the members of the Task Force should begin to work as expeditiously as possible in the collection of information because it should not be assumed that the Board would be willing to extend the deadline date.

Mr. Feldman noted evening meetings should be considered and the extension of the deadline was essential in order to be able to have public input and interaction.

Chairman Pizzi recommended that the next meeting of the Task Force be scheduled for Wednesday, April 10, 2013, at 6:00 p.m.

Following a discussion regarding the meeting date and time, Mr. Friedman suggested it would be best to schedule the next meeting at the same place and time until the security concerns regarding evening meetings were resolved and staff provided them with alternate venues and times in order to plan a schedule.

Chairman Pizzi noted one of the reasons people incorporated was to have government closer to them, and meetings should be in the evenings.

Mr. Friedman suggested a schedule be organized first prior to beginning to take public input.

Upon conclusion of the discussion on the date and time of the next meeting, it was moved by Mr. Friedman that the Task Force schedule its next meeting for Wednesday, April 10, 2013, at 9:00 a.m. This motion was seconded by Mr. Feldman; and upon being put to a vote, the motion passed by a vote of 9-0. (Mr. Marono was absent)

Mr. Forbes commented that the Task Force was tasked to review how the unincorporated areas of Miami-Dade County would be impacted and what the County role should be moving forward. He stated that, after reviewing the Mayor's report, he believed the Task Force should think along those same lines regarding incorporations, whether all of Miami-Dade County should be incorporated, and what important issues should be reviewed. He stated that the Task Force needed to decide what should be the recommendations and boundaries if it determined to recommend that all of Miami-Dade County should be incorporated. He stated the books failed to address boundary related issues and disputes back in 2002 when those issues surfaced. He suggested that public input should be solicited prior to developing recommendations in order to hold a discussion on those issues and be able to reach a consensus.

Chairman Pizzi agreed with Mr. Forbes' comments.

Discussion ensued regarding the scheduling of meetings and the requirements of the Sunshine Law.

Ms. Ann Cates suggested that all members of the Task Force should read the policy recommendations contained in the Board of County Commissioners' Incorporation and Annexation Subcommittee report dated October 14, 2004.

Ms. Cates asked that County staff prepare a report outlining the current millage rates for all of the municipalities.

Budget Director Moon explained that all of that information was found online, and the website address was indicated in the notebook prepared for the meeting. She reviewed the contents and information found in the notebook.

Chairman Pizzi asked that the Miami-Dade County Department of Planning & Zoning make a presentation with an expanded map of Miami-Dade County for the following purposes:

1. to review the locations and provide a clear picture of all municipalities;
2. to review the locations of where the MACs were established;
3. to show in detail the pending annexations; and
4. to provide a snapshot of what was currently happening.

Chairman Pizzi asked that the Task Force's agenda include a period for questions and answers in order to be able to discuss the issues. He noted the question was whether the County should continue on the current path, allow municipalities to initiate annexation petitions, or allow citizens' groups to initiate the petition drives and MACs. He noted the Task Force needed to understand the process and how it became to be what it is.

Chairman Pizzi noted the Task Force's April 10, 2013, agenda should include the following agenda items:

1. a review of the current map and current timelines;
2. a review of all pertinent information regarding pending issues; and
3. a discussion on the current process.

Mr. Feldman advised he wished to have a high level understanding of the financial aspect in terms of the impact to the County. He expressed his interest to have the Task Force review these unincorporated pockets to determine whether the issues pertained to revenue neutrality versus donut communities, or whether it was procedural. He also expressed interest in reviewing the type of ordinances and the financial aspects.

Chairman Pizzi clarified the Task Force members were requesting that the following issues be addressed:

1. that Miami-Dade County Department of Planning and Zoning present a current, expanded map of the County showing all municipalities including a snapshot of the County's current position;
2. that a presentation on the current incorporation and annexation process be presented; and
3. that a presentation on how the Task Force's recommendations would economically impact Miami-Dade County, its government, and services.

Mr. Feldman noted it would be appropriate for Task Force members to provide information and direct members of the public to the Task Force's website or to provide to the public any information received or included in the agenda package.

Chairman Pizzi requested that the Task Force agenda include a 20 minute public comment section at the beginning of each meeting, and he noted each member of the public wishing to speak before the Task Force would be given a minute to make comments.

Chairman Pizzi requested that Budget Director Moon prepare a report for the next scheduled meeting detailing the available locations and times to schedule the Task Force's following meetings.

Ms. Lamb requested that Budget Director Moon prepare a map of community councils' designations, the County Commission districts, and how this would impact County residents of unincorporated areas.

Chairman Pizzi noted Ms. Lamb's request would be addressed as part of the financial report previously requested, which would address the impact on unincorporated areas and the municipalities.

Budget Director Moon advised that an overview of different financial impacts could be provided at the next Task Force's meeting, but she would be unable to provide information for all of the various MACs to show what remained in UMSA until the current actions for the MACs was updated.

Discussion ensued regarding the information on the MACs.

Chairman Pizzi recognized Ms. Gigi Bonnet from Commissioner Bovo's Office, who had attended the meeting.

Mr. Carlos Diaz Padron suggested that public input be heard at the end of the Task Force's forums in order to shorten the process.

Discussion ensued regarding the reasons for making the meetings inclusive and considering public input.

It was moved by Mr. Forbes that the members of the Task Force allow public comments at its meetings at the beginning of every meeting for a period of 20 minutes and allow one minute to each speaker for comments. This motion was seconded by Mr. Feldman; and the floor was opened for discussion.

Mr. Feldman commented the chair would have to establish clear guidelines and enforce adherence to the time allotted to speakers.

Chairman Pizzi noted public comments would begin to be allowed at the next scheduled meeting of the Task Force.

Assistant County Attorney Collier clarified the Sunshine Law relating to emails.

Following the discussion regarding how to best control public input, the motion was put to a vote, and passed by a vote of 9-0. (Mr. Marono was absent)

Mr. Friedman suggested that it would be best to ask Commissioner Jordan to sponsor a resolution requesting the Board to extend the Task Force's deadline for six months.

Chairman Pizzi proposed a friendly amendment to the motion to state no pending matters be postponed until the Task Force's recommendations were submitted.

Commissioner Jordan noted there was no need to amend the motion because it was clarified at the Board of County Commissioners' meeting and prior to adopting the resolution creating this Task Force that no pending matters would be postponed.

It was moved by Mr. Friedman that Commissioner Jordan be asked to sponsor a resolution requesting the Board of County Commissioners to extend the Miami-Dade County Annexation and Incorporation Task Force's deadline to submit its recommendations. This motion was seconded by Mr. Diaz Padron; and upon being put to a vote, the motion passed by a vote of 9-0. (Mr. Marono was absent)

Ms. Cates asked that Budget Director Moon present at the next scheduled meeting an expanded map with a clear overlay showing the donut holes and the disputed areas left behind by other incorporations. She also requested that information on the population of pending incorporations and annexations be provided.

Chairman Pizzi advised that the Task Force should address and review in detail the Mayor's report as a courtesy to him. He recommended the Task Force prepare a response letter outlining the Task Force's opinion and the outcome of their review.

Mr. Diaz Padron advised the Task Force would be obliged to review and prepare a response to all 13 commissioners if they submitted recommendations too.

It was moved by Mr. Forbes that the Task Force prepare a response letter to the Mayor's recommendations. This motion was seconded by Ms. Cates, and the floor was opened for discussion.

Commissioner Jordan advised that each Task Force member represented a commissioner, and the Mayor's report and his recommendations should be treated as an informational document providing his views. She expressed her unwillingness to ask each commissioner to provide their recommendations and input. She noted the Mayor did not vote on the resolution creating the Task Force, but he chose to provide his input by submitting the report.

Budget Director Moon clarified the Mayor's report was submitted because he had asked staff to make recommendations on how the annexation and incorporation process should be changed to make the process easier and more logical before the Task Force was created. She stated that the Mayor wished to ensure that the Task Force was aware there were activities currently under discussion, and it was submitted as an informational report and not intended for a response.

Mr. Manrique stated he viewed the Mayor's report as recommendations, but the Task Force had other recommendations from previous boards too. He suggested that County staff prepare a chart listing all of the recommendations from all of the task forces, who had previously reviewed the issue of annexation and incorporation, to include the Mayor's recommendations.

Following a discussion regarding some of the statements made in the Mayor's report, Ms. Lamb stated that, in her view, the Task Force should not provide a response to the Mayor's recommendations.

Ms. De La Camara suggested that the Task Force's final recommendations report should incorporate as footnotes the various documents reviewed without a direct response to any.

Chairman Pizzi noted the Task Force would review all the recommendations included in the agenda package notebook to include the Mayor's recommendations, and the Task Force would address all the recommendations in its final recommendations report.

Upon concluding the foregoing discussion, the motion was put to a vote, and passed by a vote of 9-0. (Mr. Marono was absent)

Ms. De La Camara recommended that the chair should establish a time limit to the Task Force's meetings.

It was moved by Ms. De La Camara that the Task Force establish a time limit to the meetings to last no later than 12:00 p.m. This motion was seconded by Mr. Forbes; and upon being put to a vote, the motion passed by a vote of 9-0. (Mr. Marono was absent)

Mr. Friedman commented that he would like to derive at "what if scenarios" based on potential MAC incorporations and the impact on the remaining UMMSA areas. He stated that he believed if UMMSA shrinks to a certain size the millage rate and ad valorem tax would be increased to pay for County services; and he would like to be able to establish those relationships. He asked if "best guess type"

scenarios and the impact on UMSA scenarios could be provided in the event information for pending MACs remained unavailable indefinitely.

Chairman Pizzi expressed his unwillingness to engage the Task Force in a review of each MAC and its impact.

Discussion ensued regarding what type of information to request regarding the pending MACs and related taxes.

Chairman Pizzi reiterated Budget Director Moon would provide at the next scheduled meeting information on the current annexation and incorporation procedures, the financial impact of incorporations and annexations, and a snapshot of pending incorporations and annexations with an enlarged map to include areas not incorporated.

Budget Director Moon clarified what was feasible to include in the presentation at this time due to the pending MACs, noting she would be able to review the budget of unincorporated areas and explain some of the issues relating to certain impacted revenues. She noted the County was in the process of updating specific information on the boundaries of the existing MACs and what revenues and expenses were associated with those areas, and that information would be available at the end of the month. She stated calculations could only be made based on direction as to certain properties, and the Task Force had to determine how County staff should divide that information for them.

Chairman Pizzi instructed Budget Director Moon to make a global presentation at the next meeting and provide a snapshot with the information available, and she could provide updated information at later dates.

ADJOURNMENT

There being no further business to come before the Miami-Dade County Annexation and Incorporation Task Force, the meeting adjourned at 10:55 a.m.

Mayor Michael Pizzi, Chairman
Miami-Dade County
Annexation and Incorporation Task Force