



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

Stephen P. Clark Center
Citizen's Independent Transportation Trust (CITT)
Conference Room
111 N.W. First Street
10th Floor
Miami, Florida 33128

April 10, 2013
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

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Clerk of the Board Division

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**CLERK'S SUMMARY OF MEETING AND OFFICIAL MINUTES
MIAMI-DADE ANNEXATION AND INCORPORATION TASK FORCE
APRIL 10, 2013**

The Miami-Dade County Annexation and Incorporation Task Force (the Task Force) convened on April 10, 2013, at the Stephen P. Clark Center, Citizen's Independent Transportation Trust (CITT) Conference Room, 10th Floor, 111 N. W. First Street, Miami, Florida, at 9:00 a.m. There being present Chairman Michael Pizzi, Vice Chairman Kenneth Forbes, Mr. Steven Alexander, Ms. Anne Cates, Mr. Richard Friedman, Ms. Deborah Skill Lamb, Mr. Carlos Manrique, and City of Sweetwater Mayor Manuel L. Marono (Miami-Dade Commissioner Juan Zapata, Ms. Rosa M. De La Camara and Mr. Carlos Diaz-Padron were late). (Mr. Lenny P. Feldman 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.

CALL TO ORDER

Chairman Pizzi called the meeting to order at 9:07 a.m. and requested everyone to introduce themselves.

PUBLIC DISCUSSION

Chairman Pizzi noted the meeting would be opened to the public for a period of twenty minutes to allow members of the public to make comments. He stated each speaker would be allowed to speak for a maximum of two minutes to make his/hers comments before the Annexation and Incorporation Task Force (AITF), and he opened the floor to the public.

Mr. Thomas David, Law Offices of Fuerst, Ittleman, David & Joseph, PL, 1001 Brickell Bay Drive, 32nd Floor, Miami, Florida, and President of Airport West Business Association, advised its members were affected by the proposed involuntary annexations with the City of Miami Springs, City of Virginia Gardens, Town of Medley, and City of Doral; and the property owners had opposed this proposal approximately three years ago and their position on this issue remained the same. He advised annexation would be very detrimental to the County as a whole, Unincorporated Municipal Service Areas (UMSA), Miami-Dade Police Department, and to other services provided by the County. He stated the individuals he represented did not wish to be annexed inasmuch as property owners within these areas would experience a significant increase in property taxes.

Town of Medley Mayor Roberto Martell spoke in support of annexation and requested the County move forward with the annexation process since the proposal had been on the table since 2003. He advised the Town of Medley would drop its millage rate and improve services once the annexation application was approved.

Mr. Mark Samuel, 9001 N.W. 7th Avenue, Miami, Florida, spoke in support of self-determination and allowing the residents to have a vote on it. He advised the area of north central at this time was an enclave area with many issues needing to be addressed, and the residents of this area needed to be in control of its tax revenues and land use decisions. He noted the residents of this area wished to work in a collaborative effort with the Task Force as the process moved forward in order to improve the quality of their lives.

Mr. Mark Robson, 19860 N.E. 24 Court, Miami, Florida, spoke in support of self-determination. He advised his community had discussed this issue and other incorporation related issues in the past, and they had expressed support. He expressed his support for the recommendations the Mayor set forth in his memorandum to this Task Force, which were discussed at the Task Force's last meeting; and he thought many of the recommendations made sense, particularly those relating to utility and franchise taxes. He submitted for the record a summary of his comments.

Ms. Maria Leon, Environmental Management Conservation (EMC) Oil Corp., Miami, Florida, spoke in opposition to annexation because millage rates would almost triple and become a burden to the residents. She advised the residents of the business area would be unable to vote, and it was unfair to be unable to participate in the voting process.

Chairman Pizzi closed the public discussion session, and he proceeded to consider the presentation prepared by the Office of Management and Budget.

STAFF PRESENTATION

Chairman Michael Pizzi established the rules of order and process to be followed by the Task Force members to review and discuss staff's presentation.

Chairman Pizzi welcomed Commissioner Juan Zapata, Ms. Rosa De La Camara, and Mr. Carlos Diaz-Padron to the meeting.

Miami-Dade Budget Director Jennifer Moon, Office of Management and Budget, made a Power Point Presentation (Exhibit A) to explain the questions raised by the Task Force members at its last meeting (04/03), which reflected information on the following issues:

1. The history of annexations and incorporations;
2. Miami-Dade County Charter (the Charter) and Miami-Dade Code (the Code) requirements;
3. Recent Board actions and the Charter changes;
4. Incorporated areas versus UMSA and population related issues;
5. Non-Revenue Neutral Municipalities and mitigation;
6. Prior attempts to incorporate UMSA;
7. The current annexation process and requirements;
8. Current incorporation process and requirements; and
9. Information on the financial impacts of incorporations.

Chairman Pizzi commented that the County's retention of the utilities and franchise taxes relating to annexations was, in many instances, a far more severe penalty than the mitigation fee; and the County should adopt a policy to change the Miami-Dade Code (the Code) to allow annexed cities to retain the utilities and franchise fees. He asked if the County intended to follow that direction.

Budget Director Moon responded the Mayor and the County administration intended to follow that direction, and it was included in the Mayor's recommendations.

In response to Ms. Deborah Lamb's question regarding whether that was the explanation for municipalities adding a 10% excise fee in addition to the other existing fees, Budget Director Moon advised she was unaware an excise fee was being charged by municipalities. She noted Florida Power & Light paid the County the franchise fees consequent to a 30-year agreement with the County, and those fees were distributed by the County.

Ms. Lamb stated that either an excise or surtax of 10 percent was being added to the "Other Taxes" session of the bill. She suggested that the municipalities should not be allowed to enforce on its residents an excise or surtax fee in utility bills in the event it was determined to allow municipalities to retain those taxes.

In response to Mr. Steven Alexander's question, Ms. Lamb responded that, upon checking the utility bills for the City of Miami Gardens, Town of Cutler Bay, and Town of Pinecrest, the municipalities began to add additional taxes on their utility bills within the first two days of incorporating. She showed a copy of the water bill from the City of North Miami.

Budget Director Moon explained the City of North Miami was a previous existing municipality, and it provided its own water as a result of being a wholesale customer. She noted the majority of municipalities in Miami-Dade County and all the residents of newly incorporated municipalities were customers of Miami-Dade Water & Sewer Department.

Ms. Lamb commented AT&T also imposed additional taxes on their customers if the client was a resident of the Town of Pinecrest.

Chairman Pizzi asked Budget Director Moon to research the information on the added taxes and to present the findings at the next Task Force meeting (04/17).

Budget Director Moon noted inconsistencies existed between the processes, which was one of the issues pointed out in the Mayor's memorandum and needed correction.

In connection to Ms. Ann-Cates' question regarding the Charter requirement relating to the incorporation petition process and the 25 percent of the electorate signature requirement, Budget Director Moon clarified an inconsistency existed at this time between the Charter and the Code requiring correction. She stated the requirement still was 25 percent for incorporations. She noted the Mayor's memorandum pointed out the inconsistencies between the processes, and there were a number of inconsistencies between the processes that should be regularized.

Following a brief discussion among the Task Force members regarding the recommendation of the 2012 Charter Review Task Force, whereby that requirement was changed and approved by the voters, Mr. Carlos Manrique pointed out the recommendation received a 67% favorable vote.

Assistant County Attorney Cynthia Johnson-Stacks advised that, in respect to the incorporation process, the Charter Review Task Force recommended an alternative process to allow for 20 percent consent; and the Code currently contained the 25 percent requirement. Consequently, two alternatives currently existed, either the 20 percent under the Charter or 25 percent under the Code.

In response to Chairman Pizzi's inquiry regarding whether the Charter superseded the Code, Assistant County Attorney Johnson-Stacks explained that, as requested by the Charter Review Task Force, the Charter provision was an alternative to the current requirement of the Code, specifically designed to be an alternative so that the other process would continue to exist; and it was self-executing.

Chairman Pizzi stated the boundaries of a Municipal Advisory Committee (MAC) might encompass several neighborhoods; and he pointed out that, under the current process, the 20 percent consent requirement might be obtained from the same section of the MAC boundaries. He questioned whether the current process allowed everyone within the MAC's boundaries to provide input and participate.

Budget Director Moon advised that issue had been previously discussed in terms of within the MAC area and as it related to the remainder of UMSA. She stated part of the discussions were about whether the remainder of UMSA should be allowed to vote if an incorporation was about to occur and impacted the remainder of UMSA, and how to resolve the issue of self-determination when a particular area with strength wished to incorporate and another area without strength was unwilling to proceed.

In response to Mr. Friedman's question regarding whether a study on capital intensive services such as police and fire had been conducted to determine whether small municipalities should provide their own services, Budget Director Moon advised it was all dependent on how much revenues the municipality could generate and revenues generated by both assessed values and millage rates. She explained the millage rate could be set lower, the scope of the services could be broader, and services were more economical when the assessed values were high.

Mr. Friedman commented the important issue was to look at it as a mathematical problem, and a recommendation should be set forth on what would be the most efficient manner to provide the services to the community based on a review of the revenues the municipality could generate.

Pursuant to Chairman Pizzi's request that the Task Force be provided with a snapshot review of the Miami-Dade County map in terms of UMSA and pending annexations and incorporations, Budget Director Moon proceeded to review the map.

Following a discussion among the Task Force members with the Budget Director on the status of several pending MACs, Budget Director Moon advised the annexation applications for the City of West Miami was recently approved and the City of Sweetwater was still pending.

Pursuant to Chairman Pizzi's inquiry, Budget Director Moon advised the pending annexation applications would hopefully be scheduled for the May 2013 Board of County Commissioners' committee cycle; and then, the Board would review the applications and take action.

Discussion ensued between the Task Force members and Budget Director Moon regarding how to best reduce the UMSA expenses for incorporated areas in connection for the services provided for that area and the sales tax distribution.

Pursuant to Chairman Pizzi's request, Budget Director Moon provided a snapshot of how the County's budget shifted before and after the municipalities of Key Biscayne and Cutler Bay incorporated. She noted the percentage rates had shifted from 60 percent countywide 40 percent municipal services before Key Biscayne incorporated to 70 percent and 30 percent currently.

Due to an unexpected request from the Mayor, Budget Director Moon was unable to complete the presentation.

NEXT MEETING DATES, TIMES, AND LOCATIONS

Pursuant to Chairman Michael Pizzi's inquiries regarding scheduling the future meetings of the Task Force during evening hours, Mr. Jorge Fernandez, Budget Coordinator, Office of Management and Budget, advised the following five locations were identified for the proposed evening meetings:

1. Kendall Lakes Regional Library, 152 Avenue and SW 88 Street, Kendall
2. North Dade Regional Library in Miami Gardens, 24th Avenue and NW 183rd Street, Miami Gardens
3. South Dade Regional Library, 107th Avenue and SW 211 Street, Cutler Bay
4. West Dade Regional Library, 94th Avenue and Coral Way Street, Miami
5. West Kendall Regional Library, 10201 Hammocks Boulevard, West Kendall

Mr. Steven Alexander commented the Task Force was at an early stage of their work to open the meetings to the public. He suggested the Task Force should determine first the amount of time it was willing to allow for public comments.

Chairman Pizzi noted it was important to make the deliberation process as transparent as possible, and he also noted the 20 minutes could be expanded even though he was aware of the amount of work ahead of them. He recommended the meetings be scheduled in different locations throughout the community during evening hours.

Ms. Deborah Lamb commented the Task Force's work was intended for the benefit of residents of unincorporated Miami-Dade County and not for the residents of incorporated areas. She recommended the meetings be held in the unincorporated areas.

Chairman Pizzi recommended the Task Force should hold meetings in other areas, particularly the unincorporated areas, with public comment taken at the beginning of each meeting. He pointed out Kendall Lakes was an area at the top of the list because it was one of the most populated, unincorporated area. He suggested the Task Force hold its next meeting in the Kendall Lakes area.

Mr. Richard Friedman suggested that the Task Force should first develop a schedule, timeline, and prepare proposed recommendations prior to beginning to take public comments, and he expressed his preference for scheduling the meetings in the Downtown area to ensure County staff attended the meetings to make detailed financial presentations and address other financial related issues. He requested the County's senior management be present at the meetings, and he recommended the Task Force take into consideration the time constraints County staff would experience.

Chairman Pizzi clarified the intent was to meet in regional areas during evening hours with County senior staff present.

It was moved by Vice Chairman Forbes that the Miami-Dade Annexation and Incorporation Task Force adopt the five sites suggested by Mr. Jorge Fernandez to host the Task Force's meetings and that the meetings be time certain and no longer than two hours. This motion was seconded by Mayor Marono, and the floor was opened for discussion.

Following Chairman Pizzi's comments listing the sites previously mentioned by Mr. Fernandez, Commissioner Zapata expressed his preference for the West Kendall Regional Library instead of the Kendall Lakes Regional Library.

Pursuant to Chairman Pizzi's question, Vice Chairman Forbes accepted the amendment

Chairman Pizzi advised all libraries opened on Wednesdays from 1:00 p.m. to 9:00 p.m. He suggested the Task Force schedule its next meeting for Wednesday, April 17, 2013, from 6:00 p.m. to 9:00 p.m.

Following a brief discussion on meeting locations and times, the Task Force members determined to schedule its next meeting at the North Dade Regional Library at 6:00 p.m. and to schedule the second meeting at the library located in the Kendall area.

Pursuant to Chairman Pizzi's question, Vice Chairman Forbes accepted the amendment.

Upon conclusion of the foregoing discussion, Chairman Pizzi seconded the motion as amended; and the floor was opened for discussion.

In response to Ms. Ann Cates question regarding whether the May 19th deadline imposed on the Task Force to submit its recommendations had been extended, Assistant County Attorney Craig Coller advised a resolution was prepared in response to a request received by the County Attorney's Office; but a status report could not be provided at this time because the item was currently under review.

Following a brief discussion among the Task Force members regarding the need to extend the twenty minutes previously agreed upon for public input, Chairman Pizzi stated that the time allotted for public input could be extended if necessary.

Ms. Lamb asked that the Task Force's meeting be advertised as a public hearing.

Discussion ensued among the Task Force members and County staff on how to best advertise the meeting.

Mr. Alexander commented it was a good idea to hear the opinion of the public, but the Task Force would not have sufficient time to deliberate.

Ms. Rosa De La Camara advised it would be very difficult for her to attend evening meetings, and the public hearings would leave the Task Force members with little time to deliberate and prepare

recommendations. She suggested that the meetings should continue to be scheduled in the morning at the Stephen P. Clark Center.

Upon conclusion of the foregoing discussion, Chairman Pizzi put the motion to a vote and passed by a vote of 8-2 (Mr. Friedman and Ms. De La Camara voted no). (Mr. Feldman was absent)

Assistant County Attorney Collier noted he had just been advised that the sponsoring commissioner was at this time reviewing the drafted resolution to extend the Task Force's deadline.

Chairman Pizzi suggested the Task Force members determine how the meeting should be advertised, the contents of the agenda, and any other financial reports or issues needed to be included in the agenda for discussion.

Mr. Carlos Manrique pointed out that the Task Force needed to work expeditiously. He expressed concerns regarding the issue of holding regional meetings to take public input because it would shorten the Task Force's timeframe to prepare its recommendations and impact deliberations. He stated that, in the past, there had been a low attendance rate to these types of public meetings. He noted the public should be encouraged to testify but hardly anyone showed at public hearings to speak.

Pursuant to Chairman Pizzi's request, Mr. Fernandez noted the meeting could be advertised in the Miami Herald; and he questioned whether the Task Force members wished to advertise the meeting as a public meeting or public hearing.

Discussion ensued between Ms. De La Camara and Mr. Fernandez regarding the difference between a public hearing and a public meeting.

It was moved by Vice Chairman Forbes that the meeting be advertised as a public hearing. This motion was seconded by Chairman Pizzi; and upon being put to a vote, the motion passed by a vote of 9-1 (Mr. Friedman voted no). (Mr. Feldman was absent)

Mr. Fernandez noted the availability of the North Dade Regional Library for April 17, 2013, at 6:00 p.m. would be confirmed; and in the event the location was unavailable, the meeting would be scheduled at the next location shown in the approved list of sites, which was South Dade Regional Library.

Mr. Friedman noted it was very important for the Task Force to focus on deliberating on the issues in order to be able to prepare specific recommendations before the public was allowed to give input. He stated that the Task Force would not have sufficient time to do its work if the public hearings had a significant number of attendees wishing to speak.

Chairman Pizzi commented he assumed the Task Force members wished to acquire sufficient information and hear about the public's expectations, noting the information gathering process should be continued and completed. He requested the Office of Management and Budget provide a better snapshot of how incorporations and annexations had historically impacted the County by isolating variables such as the recession and millage reductions and increases, and he also requested the

presentation include additional financial information on the impact of pending incorporations and annexations. He suggested the Task Force should complete the information gathering phase, and he questioned whether the Task Force members wished to request that the County administration provide at the next Task Force meeting any additional information not available at this time.

Mr. Carlos Diaz-Padron suggested the Task Force should inquire about the financial impact if UMSA were to disappear.

Chairman Pizzi noted the Task Force could not make an intelligent recommendation and the County Commission would be unable to act responsibly on this issue unless the answer to that question was known.

Ms. Lamb requested the Office of Management and Budget provide a breakdown of the financial information relating to the exact amount from UMSA's budget and transportation tax funds being spent in cooperative efforts, such as bus benches, with municipalities. She stated that the information should provide a detailed breakdown of how much each municipality received from the UMSA's budget. She also requested that County staff from the Miami-Dade Police Department (MDPD), Miami-Dade Public Works and Waste Management (PWWM) Department, and the Department of Planning and Zoning (DPZ) make a presentation to the members of the Task Force to explain the impact of breaking up these departments.

Mr. Friedman requested a status report on the incorporation and annexation ordinance, and he also requested that the report identify any pending incorporations that would leave an enclave area and how the County would address those enclave areas under the current Miami-Dade County Code.

Mr. Manrique requested that the Office of Management and Budget provide a line item breakdown of the 70/30 percentage report to better evaluate the merits of the report and the number of employees per office.

Mr. Fernandez noted Ms. Moon was unable to complete her presentation to explain those types of issues; and at the next meeting, she would be able to make those explanations.

Mayor Manuel Marono requested that he be provided with a copy of the incorporation and annexation studies previously conducted and the dates those reports were prepared including what the final recommendations were.

Mr. Friedman recommended that the Task Force consider hearing expert testimony from individuals not affiliated by cities or counties, possibly experts from universities, who could assist in the review and evaluation process of available information, to provide input from a different stand point.

Chairman Pizzi requested a presentation be made by an expert in these areas to explain what had transpired since Broward County adopted the recommendation to incorporate all areas and what had been the impact of that recommendation.

Ms. Cates advised Mr. Jack Osterholt was Broward County's Manager at that time, who oversaw the entire process.

Mr. Alexander noted it was Mr. Osterholt's policy that led to the incorporation and annexation of the remainder of Broward County; and he suggested Ms. Kayla Olsen, Broward County's Budget Director, should be asked to address the Task Force.

Ms. Lamb asked that the Office of Management and Budget review some of UMSA's lower economic areas and their proximity to existing neighboring municipalities to determine whether these areas could be recommended to annex. She commented that she was considering setting forth a recommendation to have the entire UMSA area incorporated as one large entity because all commercial areas were being annexed to existing municipalities.

Mr. Alexander noted Broward County established a policy that required incorporating areas to include into its boundaries an unbalanced area to achieve a balanced annexation, but incorporations were allowed to set their boundaries.

ADJOURNMENT

There being no further business to come before the Miami-Dade Annexation and Incorporation Task Force, the meeting adjourned at 11:40 a.m.

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