



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

HistoryMiami
101 West Flagler Street
Miami, Florida 33130

May 8, 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 ANNEXATION AND INCORPORATION TASK FORCE
MAY 8, 2013**

The Miami-Dade Annexation and Incorporation Task Force (the Task Force) convened on May 8, 2013, at HistoryMiami, 101 West Flagler Street, Miami, Florida, at 9:00 a.m. There being present Chairman Michael Pizzi, Mr. Steven Alexander, Ms. Anne Cates, Ms. Rosa M. De La Camara, Mr. Richard Friedman, City of Sweetwater Mayor Manuel L. Marono, Ms. Deborah Skill Lamb, and Mr. Carlos Manrique (Vice Chairman Kenneth Forbes and Mr. Carlos Diaz-Padron were late). (Mr. Lenny P. Feldman and Miami-Dade County Commissioner Juan Zapata were absent).

In addition to the members of the Task Force, the following staff members were also present: Assistant County Attorney Craig Collier, 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 9:15 a.m.

TASK FORCE DISCUSSION

Chairman Pizzi commented on the outcome and feedback provided at the public hearings already held, and he asked if any of the Task Force members wished to schedule additional public hearings.

Mr. Friedman recommended the Task Force should develop a framework, goals, and mission statement including pros and cons in order to establish a general outline to develop the Task Force's recommendations. He noted the Task Force members had agreed to hold five public hearings in different areas of the County with additional public hearings scheduled after preliminary recommendations were prepared. He suggested that the Task Force should review, deliberate, and prepare policy recommendations on the public feedback already acquired.

Following a brief discussion among the members of the Task Force regarding the location for the next two public hearings, Chairman Pizzi asked Mr. Fernandez to identify a location in the vicinity of Redland to hold a public hearing in that area.

Mr. Fernandez noted he would check the availability of a location to conduct a public hearing.

Chairman Pizzi recommended that the Task Force should narrow the scope of issues to review. He commented on the need to disagree respectfully inasmuch as America was a democracy, and the discussions would eventually lead the Task Force in the right direction.

Chairman Pizzi suggested the Task Force should focus its discussions on the future of unincorporated municipal service areas (UMSA) and what recommendations should be set forth

for the Board of County Commissioners' consideration. He suggested this Task Force should review the following issues:

1. to determine whether to recommend no changes be made to the current policy to allow unincorporated areas to decide whether to incorporate under the current process;
2. to determine whether to recommend that the current process be revamped to allow natural selection if it was determined the process was not working after the issues were reviewed;
3. to determine whether to recommend that the County should establish a policy assuming that the County wished to stop delivering services to UMSA and prepare a reference manual on the policies and procedures on how to incorporate and annex;
4. to determine whether existing municipal governments should be surveyed to identify which governments were interested in annexing adjacent areas;
5. to determine whether to recommend an agricultural municipality be created; and
6. to determine the future of enclave areas assuming the County wished to move forward to incorporate all of UMSA.

Mayor Marono commented it would be totally unfair to continue allowing cities to annex affluent areas and leave the County with the remaining of UMSA; and if that were to happen, all cities should contribute funds to UMSA.

Chairman Pizzi pointed out that imposing a mitigation fee would require to ask municipalities like the City of Coral Gables and City of Miami, which had been incorporated for half a century, to contribute.

Mayor Marono noted the contribution percentage would be smaller when all municipal governments were required to participate.

Mr. Alexander concurred with Mayor Marono's comments because the County was not the best provider of municipal services, and Broward County had established a policy to develop a funded infrastructure plan for those areas identified as difficult to annex or incorporate in order to allow a municipal entity to better manage itself whenever one of those areas was annexed like in the City of West Park. He noted an area proposing to incorporate did not have to be revenue neutral, but it had to have some balance.

In response to Ms. Lamb's inquiry relating to whether Broward had to comply with the State of Florida's requirements for incorporations and annexations, Mr. Alexander responded Broward County did not have the same Charter related issues as Miami-Dade County.

Chairman Pizzi commented Miami-Dade County's elected officials as well as other people were saying the County should focus on regional related issues such as the airport, seaport, and allow municipalities to maintain their parks. He noted UMSA would soon be reduced to about 20 to 30 percent as annexations and incorporations continued to happen; and then, the County would be obligated to either require that the remaining of UMSA be incorporated into a single city or require that the remaining areas incorporate.

Mayor Marono and Ms. Lamb expressed their disagreement with Chairman Pizzi's comments.

Mayor Marono noted the rules should be established before the game was allowed to begin because it would be inequitable to allow the cities to annex and incorporate and decide to leave the County on their own. He also stated it would be unfair to force incorporation and annexation on the residents in an area not willing to do so.

Vice Chairman Forbes noted the public's opinion needed to be taken into consideration. He suggested the residents of opposing areas should be asked what they were willing to do to remain UMSA and if they were willing to pay higher real estate taxes to support the delivery of services.

Mr. Friedman commented that the Task Force should consider and discuss the politics of all related issues since discussions had been carried on for the past 30 years without reaching a resolution and establishing a policy. He suggested the Task Force should focus on the following issues:

1. how to proceed and address the remaining unincorporated areas of the County to determine whether to proceed with annexations, incorporations, or one single incorporation;
2. how to address UMSA's diminishing size; and
3. how to ensure high crime areas were addressed.

Mr. Friedman stated the Task Force's recommendations to the Board of County Commissioners should be sensitive to the various opinions, and the Task Force should recognize the difficulties faced by elected officials when establishing policies. He also stated UMSA's very low millage rates and fees, possibly due to political reasons, should be increased to fund all of the County's unfunded mandates already pointed out to the Task Force members.

Mr. Diaz-Padron commented that UMSA would be unable to maintain the status quo and same millage rates if unwilling to annex or incorporate.

Ms. De La Camara suggested that the Task Force members should act within the framework and requirements of the enacted resolution creating this Task Force and determine how best to assist the Board of County Commissioners. She stated that the resolution required that this Task Force, as part of their first task, should proceed as follows:

1. to review how the County's remaining unincorporated areas should be addressed to determine whether to recommend annexation, incorporation, or one single incorporation as UMSA;
2. to review the regional versus the municipal aspects;
3. to review the pros and cons and related costs; and
4. to prepare and set forth recommendations to the Board of County Commissioners.

Ms. De La Camara noted the Task Force should avoid creating areas that cannot support municipal services in order to prevent low property value pockets, enclave areas, or leaving behind contiguous areas; and the Task Force should also consider whether to recommend to the County Commission that millage rates be increased to prevent downfalls in the delivery of services. Secondly, the Task Force should recommend that the Board of County Commissioners develop an overall plan for the remaining UMSA inasmuch as citizens had the right for self-determination; and it could not be imposed. She stated that the Task Force should shape the process for the County Commission and those recommendations should take into consideration issues primarily relating to financial aspects including cultural aspects of the annexations, the feasibility and adequacy of the municipal services proposed for sharing. She emphasized that the Task Force's scope of responsibilities was to conduct a study and make recommendations and not to over step their boundaries.

Chairman Pizzi commented that annexation and incorporation should not be forced upon any of the areas, but the largest affirmative action would be to do nothing. He expressed his opposition to asking incorporated municipalities to contribute to the cost of delivering services to areas unwilling to annex or incorporate and placing the burden on incorporated cities. He noted the underlying question was how to encourage and/or provide an option to discourage unincorporated areas from falling behind so that UMSA would dissolve.

Following a brief discussion among the Task Force members on how to proceed, Mr. Manrique suggested that the Task Force should review each of the Mayor's recommendation individually and vote up or down the recommendations to avoid the Board of County Commissioners from considering two different sets of recommendations. He suggested that the Mayor's recommendations could also be amended, and he noted the county commission district he represented was 100 percent unincorporated.

Mr. Diaz-Padron expressed his disagreement with the previous comments.

Chairman Pizzi expressed his support for allowing the residents of an area to choose whether to incorporate or annex rather than imposing the decision; but if the policy of self-determination was adopted, he suggested assistance should be provided to those areas that had been in the incorporation process for several years in order to facilitate the process.

Ms. Lamb stated that, based on her experience with the incorporation process, it would be difficult to mandate an incorporation and annexation; and she referred to the proposal she had distributed at a previous meeting addressing the question of incorporation and annexation. She noted part of the problem was that the public was not well informed on the philosophical issues, and she suggested that the Task Force should develop a form outlining related incorporation expenses, which could be distributed to petitioners. She noted the major concern of the community she represented, which was mostly comprised of retirees, was the risk of losing their homes due to the increased costs of having to support an additional legislative body if the area was incorporated.

Ms. Cates commented that the Task Force's mission was outlined in the enacted resolution, and she reminded the Task Force members about Commissioner Jordan's statement at the first meeting that the entire County needed to be reviewed rather than specific areas only.

In response to Ms. Lamb's inquiry relating to her proposal, Ms. Cates expressed her disagreement with many of the statements contained in Ms. Lamb's proposal.

Ms. Cates further commented that the Mayor's recommendations should be revisited in conjunction with the public input. She noted that, based on the resolution, the Board of County Commissioners was giving this Task Force a mandate to develop a set of recommendations for the Board's action.

It was moved by Mr. Manrique that the Miami-Dade Annexation and Incorporation Task Force consider and review, as a starting point, the recommendations set forth by Mayor Gimenez in his memorandum to this Task Force. This motion was seconded by Chairman Pizzi, and the floor was opened for discussion.

Mr. Friedman commented that Ms. De La Camara's recommended framework would allow the Task Force members to focus on everything previously discussed.

Mr. Manrique recommended Ms. De La Camara's suggestion be adopted as a mission statement.

Ms. De La Camara noted that the Task Force just needed to adopt a framework for its work.

Chairman Pizzi clarified the motion was to initially review Mayor Gimenez' recommendations as a framework.

Upon conclusion of the foregoing discussion, the motion was put to a vote and passed by a vote of 8-2 (Ms. Lamb and Mr. Friedman voted no). (Mr. Feldman and Miami-Dade County Commissioner Zapata were absent)

Mayor Marono pointed out the major issues under consideration were how to fund UMSA and future cities because the County would always continue to provide services to unincorporated areas. He further pointed out the County Commission had the final say regardless of the recommendations set forth by the Task Force, and municipal governments would have to address the financial impact of their annexations and incorporations on UMSA.

Ms. De La Camara pointed out that reviewing the Mayor's recommendations would only be a starting point.

Discussion ensued among the Task Force members about the Mayor's recommendations and how should the Task Force address those recommendations.

Mr. Manrique advised he was unprepared to begin deliberating some of the issues at this meeting; but he would propose amendatory language for some of the issues at the next meeting. He pointed out that both the public and members of this Task Force had indicated that the public

should be given the right and should be able to determine whether to incorporate. He commented on his work with the 2012 Charter Review Task Force; noting the public disliked the 20% petition signature requirement, originally recommended at 15 percent but reduced from 25% by the County Commission.

In response to Chairman Pizzi's question, Ms. Moon explained the Board's current policy on annexations and incorporations outside of the UDB. She noted there were no restrictions outside of the UDB, but the Board retained the jurisdiction over zoning decisions outside of the UDB due to the sensitivity of the lands and the countywide impact.

Assistant County Attorney Craig Collier clarified the Miami-Dade County Code (the Code) stipulated that the County retained the jurisdiction over the uses for the UDB and uses permitted outside of the UDB while allowing zoning decisions to be made by local jurisdictions, but zoning decisions were required to be consistent with the Miami-Dade Comprehensive Master Plan (CDMP). He explained that, in regards to the UDB, there were areas environmentally sensitive; and other areas within the urban expansion area could be considered for possible expansion. He noted in certain areas residential development was permitted at one unit per five acres; therefore, it had the potential for residential development at a much lower density.

Following a discussion among the Task Force members regarding what neighborhoods were located outside of the UDB, Chairman Pizzi commented on the issue of establishing a global policy, noting Redland should not be denied the right to incorporate.

Mayor Marono suggested the UDB needed to be addressed comprehensively due to its countywide impact, and the County should retain jurisdiction of the UDB.

Mr. Manrique commented the UDB was also addressed by the 2012 Charter Review Task Force, and voters had already voted on that issue. He noted the County Commission was already given that jurisdiction, and the UDB line could only be moved by a two-thirds majority vote of the Board.

Ms. Moon clarified that the issue under consideration was the determination of land use inside the UDB line.

Mr. Manrique noted the issue of moving the UDB line was already decided by the electorate, and it was approved by 82%.

Mr. Friedman stated that the County had unique areas like Redland, who had different concerns and aspirations. Consequently, many representatives from these areas were speaking before the Task Force. He stated that, in his opinion, many more people would probably like to indicate their views by voting; and he believed the opinion of those who had previously spoken before the Task Force should not be taken as the opinion of the entire resident community. He spoke in support of allowing a property owner to determine what to do with his/her property as long as it was within the law, and he spoke in opposition of reviewing the recommendations set forth in the Mayor's memorandum.

Chairman Pizzi expressed his agreement with speakers who had indicated support for establishing a global policy for incorporations and annexations. He stated Redland should not be singled out, and a global policy should be adopted to provide Redland with the same self-determination rights as every other area.

Vice Chairman Forbes stated that, in his view, the Mayor recommended that the Board maintain the jurisdiction of the UDB line; and if this Task Force determined to recommend full incorporation of the County, incorporating cities should include within their boundaries adjacent areas. He reiterated that Redland wished to remain as an agricultural district, and he believed that could be worked out within the development of future cities in order to maintain what was currently on the books.

Ms. Cates spoke in support of keeping Redland as an agricultural area. Ms. Cates asked Assistant County Attorney Collier whether this Task Force could recommend that the Redland area located outside of the UDB be designated as an agricultural preserve and that Redland Edge, which was located inside the UDB, be allowed to self-determine.

Assistant County Attorney Collier responded that the Code provided the County with that jurisdiction, and it was at the discretion of the Board to make a policy change. He noted the area around Redland was currently master planned agricultural, and any zoning requests would be under the jurisdiction of the local Community Zoning Appeals Board (ZAB). He also noted any zoning changes would have to be consistent with the CDMP; but this Task Force could make any recommendation they wished to make.

Mayor Marono reiterated the UDB line issue should be addressed comprehensively due to its countywide impact and not just Redland, and he recommended that the jurisdiction of the UDB line should remain with the County. He also recommended that, once the UDB line was moved further out, the affected city should retain jurisdiction of the area included inside the UDB.

Mr. Manrique clarified the adjacent municipality would include within their respective boundaries the area included inside the UDB line if not part of UMSA.

Mr. Manrique requested that Assistant County Attorney Collier prepare language for the next Task Force's meeting clarifying Mayor Marono's suggestion in order to have the Task Force members vote on it. He recommended that the County Commission should set up a Task Force comprised of local citizens to address some of the concerns raised by the various communities, particularly Redland.

Chairman Pizzi noted it would be addressed at the next meeting.

Budget Director Moon agreed with the comments that the UDB line issue should remain as it is; and if there was an unincorporated area located outside of the UDB and the UDB line moved, the area adjacent to a municipality should become part of that municipality. Mayor Marono clarified that, if the County determined to move the UDB line, the city assume the zoning jurisdiction of the area included inside the UDB and within the city's boundaries to build whatever they wished.

Assistant County Attorney Collier clarified that was already the established policy due to the current Code provisions. He advised that he would distribute a copy of that provision of the Code at the Task Force's next meeting.

Ms. De La Camara agreed that the established policy should be retained.

In response to Mr. Manrique's inquiry regarding whether Redland could incorporate an area located west of the UDB line, Assistant County Attorney Collier confirmed it.

Following a brief discussion among the Task Force members regarding whether Redland wished to incorporate, Budget Director Moon clarified that Redland residents selected the current UDB line as their boundaries and established it as the actual legal description in order to control the UDB line and prevent the UDB line from being moved; and the County objected to the issue relating to the control of the UDB line but not the boundaries.

Chairman Pizzi made closing remarks stating that the Board of County Commissioners had made it abundantly clear, when this body was created, that no existing incorporation and annexation would be prejudiced, halted, or stopped in their tasks to await for the recommendations of this Task Force; and all stakeholders had collectively agreed that it would be incredibly unfair to delay any incorporations or annexations while this body was deliberating.

In connection with Ms. Lamb's comments regarding funding related issues, Mr. Friedman stated that, he believed, staff had already addressed that issue; and as applications were reviewed, the Task Force members would be provided with updated financial reports.

Chairman Pizzi stated that incorporation and annexation applications already in the pipeline would not be postponed until this Task Force submitted its recommendations in September 2013; and the Board would give this Task Force's recommendations due consideration in terms of proposed changes.

OTHER BUSINESS, UPDATES, AND REPORTS

Mr. Jorge Fernandez, OMB Coordinator, Office of Management and Budget (OMB), advised the Board of County Commissioners had approved at its May 7, 2013, meeting to extend this Task Force's deadline until September 30, 2013.

In response to Ms. De La Camara's question on the financial information handout distributed at today's (5/8) meeting, Ms. Moon advised that the report was prepared in response to several questions asked at a Task Force previous meeting during the discussion relating to UMSA and countywide budgets, expenditures, and capital distribution. She explained that a good comparison of what happened with the budgets could be obtained from conducting a review of the percentages the budget represented, and she also explained how the information was depicted in the financial report.

In response to Mr. Manrique's question regarding the advertisements relating to the budgets of the proposed four MACs, Budget Director Moon clarified that the four advertisements placed in the newspapers were for the annexation of four cities.

In response to Mr. Manrique's questions regarding the four advertisements, Budget Director Moon advised that annexation information for the four cities was included in the notebook provided to the Task Force members; and the information was pertaining to the City of Miami Springs, City of Virginia Gardens, Town of Medley, and City of Doral annexations.

In response to Mr. Manrique's questions relating to whether a budget had been included in the advertisements and the content of the advertisements, Budget Director Moon advised the advertisements stated that the public hearing would be held the following week.

Budget Director Moon advised notices were sent out to the property owners residing within the proposed annexation areas providing comparative information by utilizing existing millage rates for the unincorporated area and the municipalities that were seeking to annex the areas.

In response to Mr. Manrique's questions relating to whether anything in the advertisement had indicated whether real estate taxes would be increased, Budget Director Moon advised that it did not; but the notices sent to property owners did.

Mr. Manrique asked that he be provided with a copy of the real estate tax notices at the Task Force's next meeting or that the notices be emailed to him.

Budget Director Moon advised that a copy of the real estate tax notices would be distributed to each Task Force member, if they wished.

In response to Chairman Pizzi's request that a copy of the notices be distributed to all Task Force members, Budget Director Moon advised that the notices would be made part of the website.

Ms. Cates suggested that the Task Force should discuss at its next meeting the full incorporation of UMSA.

NEXT MEETING

Mr. Jorge Fernandez, OMB Coordinator, Office of Management and Budget (OMB) advised the Task Force's next meeting would be held on May 15, 2013, at the Stephen P. Clark Center, Room 18-3, at 9:00 a.m.; and the next public hearing would be held on May 22, 2013, at the West Kendall Regional Library at 6:00 p.m.

ADJOURNMENT

There being no other business to come before the Miami-Dade Annexation and Incorporation Task Force, the meeting was adjourned at 10:52 a.m.