



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

Stephen P. Clark Center  
111 N.W. First Street  
18<sup>th</sup> Floor, Room 18-3  
Miami, Florida 33128

June 12, 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  
JUNE 12, 2013**

The Miami-Dade Annexation and Incorporation Task Force (the Task Force) convened on June 12, 2013, at the Stephen P. Clark Center, 111 N.W. First Street, 18<sup>th</sup> Floor, Room 18-3, Miami, Florida, at 9:00 a.m. Present were: Chairman Michael Pizzi, Mr. Steven Alexander, Mr. Mitchell Bierman, Ms. Anne Cates, Mr. Carlos Diaz-Padron, Mr. Lenny P. Feldman, Mr. Richard Friedman, Ms. Deborah Skill Lamb, and City of Sweetwater Mayor Manuel L. Marono (Ms. Rosa M. De La Camara, Mr. Carlos Manrique, Miami-Dade County Commissioner Juan Zapata, and Vice-Chairman Kenneth Forbes were late).

In addition to the members of the Task Force, the following staff members were also present: Assistant County Attorney 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 9:10 a.m.

**TASK FORCE DISCUSSION**

Chairman Pizzi made opening remarks, noting one of the Task Force's primary purposes was to determine how to address the areas remaining after incorporations/annexations and to prevent "cherry-picking;" and the Task Force's discussions would focus on those issues. He stated that sometimes the elected officials took the blame for those issues; yet, some responsibility had to be placed on the public and the people who made their own decisions. He provided the example of the negative reaction of the residents in his community to the proposal of annexing a middle-class area with low crime and beautiful lakes. He noted this illustrated how difficult it was for elected officials to decide to annex areas not generating a great deal of revenues.

Ms. Lamb stated that some individuals did not wish to incorporate because in many instances residents did not wish to change the existing sense of community; and in addition, none of the city charters provided that the city residents had the right to make a decision on whether they wished to annex.

Discussion ensued between Ms. Lamb and Chairman Pizzi regarding the requirements of the city charter and whether the residents should be asked if they wished to annex.

Chairman Pizzi commented he wished to discuss an issue pertaining to the incorporation process, for which he wished to formulate a recommendation. He stated that an incorporation application

could be vetoed by the county commissioner of the affected County Commission district, and he believed this practice was inappropriate if the residents of the area wished to proceed. He pointed out that an incorporation application should not be forced upon the residents of an area, but the area's residents should have the ability to make an informed decision.

Chairman Pizzi expressed concern with the current incorporation process whereby the process could be stopped solely on the decision of one county commissioner even when 100 percent of the area's residents wished to incorporate and signed a petition requesting the incorporation of their area.

Ms. De La Camara joined the meeting.

Pursuant to Chairman Pizzi's inquiry regarding whether the Miami-Dade County Code (the Code) provisions allowed a county commissioner to veto an incorporation application, Budget Director Jennifer Moon, Office of Management and Budget (OMB), explained that a county commissioner was able to veto the incorporation application when the process was initiated by ordinance because Board action was required; but if the incorporation was requested by signed petitions, the Charter provisions applied.

In response to Mr. Bierman's question as to whether the Code required that the county commissioner representing the affected County Commission district must sponsor the creation of a Municipal Advisory Committee (MAC) for that district, Budget Director Moon clarified that the Code required that the MAC be sponsored by the county commissioner whose County Commission district comprised the majority of the proposed area.

Pursuant to Mr. Bierman's question, Ms. Moon confirmed that the residents would have the ability to request incorporation by petition under the Charter if the county commissioner of that County Commission district declined to sponsor a MAC ordinance.

Mr. Bierman noted he shared Chairman Pizzi's concern regarding the current Code provisions, which allowed one county commissioner to prevent an incorporation process, even if the other 12 county commissioners were in favor of the incorporation.

Vice Chairman Forbes joined the meeting.

Discussion ensued among the Task Force members relating to the countywide responsibility of all county commissioners.

**Motion Number 1:**

***It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the Board should change the***

***Miami-Dade County Code to eliminate the ability of a single county commissioner to unduly impede an incorporation process. This motion was seconded by Mr. Alexander, and the floor was opened for discussion.***

Mr. Feldman noted he reviewed Sections 20-20(c) and 20-21(a) of the Code, and he read into record a portion of Section 20-20(c) which stipulated that: “the Clerk’s Office shall notify the County Commission that the application is complete; and upon notification of the completeness and upon sponsorship of the county commissioner whose district comprised the majority of that area, the County Commission would create a Municipal Advisory Committee (MAC).” He indicated that the language which should be reviewed was the phrase “sponsorship to create a MAC.” He noted Section 20-21 of the Code used the same language, and stipulated that the MAC would be forwarded to the Planning Advisory Board (PAB) after the Board’s enactment of the MAC’s resolution, receipt of the MAC’s report from the Clerk’s Office, and only upon motion of the County Commission district commissioner whose district comprised the majority of that area.

Chairman Pizzi reiterated his motion, noting it would recommend to the Board of County Commissioners that the Miami-Dade County Code should be amended to eliminate the ability of a single county commissioner to unduly impede the incorporation process.

***Mr. Bierman proposed an amendment to the language of the motion to provide that any member of the County Commission could sponsor a MAC in any of the County Commission districts, as long as it was approved by majority vote of the County Commission.***

***Chairman Pizzi accepted the amendment.***

Mr. Feldman noted the motion would also allow the MAC to move forward to the PAB once the MAC’s report was received.

Ms. De La Camara clarified that the intent of the Chair’s recommendation was to allow the voice of the people to carry; therefore, the lack of a sponsor should not be an obstacle.

Mr. Manrique joined the meeting.

Budget Director Moon pointed out that agenda items required a sponsor, and the Mayor did not have the ability to sponsor an item.

Chairman Pizzi reiterated his concern was that, even though the residents of an area unanimously wished to move forward with incorporation, one individual could impede the process. He asked Budget Director Moon the best manner in which the Code could be changed to accomplish the Task Force’s goal to eliminate the ability of one county commissioner to impede the creation of a MAC if all of the residents of the area wished to proceed.

Mayor Marono noted, a county commissioner should not be allowed to prevent a portion of his/her County Commission district from being included within the boundaries of a MAC created by another county commissioner.

Chairman Pizzi recapped that no county commissioner should have the power to single-handedly prevent a group of residents from forming a MAC to incorporate assuming a reasonable percentage of the residents wished to proceed with the process of incorporation.

Vice Chairman Forbes requested an update on the foregoing discussion since he had joined the meeting late, and he asked if the Task Force had agreed as a body to set forth a recommendation to the Board that the entire Miami-Dade County be incorporated.

Chairman Pizzi explained what had been previously discussed.

Vice Chairman Forbes stated that the Task Force should consider that not everyone wished to incorporate, and the discussions should also address the incorporation process disputes. He suggested that the Task Force members agree on an overall policy recommendation before discussing how to make the incorporation process easier.

Following a brief discussion among the Task Force members regarding the difficulty of the incorporation process at this time, Ms. Lamb noted the public comments that were made were not representative of the majority of the residents; and she had recommended in the past that a straw ballot of the residents of an area wishing to incorporate be taken first to determine the residents' interest.

Pursuant to Chairman Pizzi's question regarding how to proceed when a straw ballot showed that 85 percent of the residents were interested in creating a MAC and the county commissioner of the district refused to approve it, Ms. Lamb said that it would be similar to a Mayor who did not want his constituents to decide whether or not to annex the area; and the recourse for the residents would be to vote the public official out of office.

Mr. Feldman expressed his agreement with Vice Chairman Forbes' comment that the Task Force should focus on other issues at this point. He stated, for the record, that the Board should not allow any of its members to sponsor an incorporation application in another commissioner's district because it would create a dispute. He suggested balance could be accomplished by modifying the language to stipulate that an incorporation application could be sponsored by a county commissioner or a majority of the county commissioners. He pointed out that this would provide the Board with the ability to oppose a county commissioner who was trying to block an incorporation process. Nevertheless, he stated that the lack of support from an unreasonable county commissioner seemed to be an exception rather than the general rule.

Mr. Bierman proposed to table the motion.

Pursuant to Mr. Manrique's inquiry pertaining to a related agenda item recently considered by the Board, Assistant County Attorney Cynthia Johnson-Stacks clarified that an item had been recently considered by the Board to extend the date this Task Force would sunset; and this item also set forth the Task Force's responsibilities.

Responding to Mr. Manrique's inquiry relating to the ordinance introduced by Commissioner Souto providing that only the county district commissioner could create a MAC, Assistant County Attorney Johnson-Stacks explained that the resolution was withdrawn in favor of the current process; and she provided background information on the provisions of the Code. She advised that there were two provisions within the incorporation section of the Code, which stipulated that, if a signed petition was submitted, the county district commissioner representing the majority of the area comprised by the MAC had to sponsor the agenda item in order for the MAC to be created. She further advised that, in the absence of a signed petition, the Code required that the county district commissioner had to introduce the legislation with respect to the creation of a MAC. In addition, there was a general ordinance requiring that most agenda items presented before the County Commission be sponsored by a commissioner. Therefore, under the existing Code, every item proposing to create a MAC had to be sponsored by the district commissioner. She advised that the general ordinance would have to be amended to remove that requirement to allow the Mayor, or a body, to sponsor these agenda items.

Discussion ensued among the Task Force members on how the recommendations of each member of the Task Force would be addressed.

***Chairman Pizzi agreed to table the motion.*** He stated that the current incorporation process allowing only the county district commissioner to create a MAC was unreasonable, and one single county commissioner should not be allowed to oppose a change and prevent the creation of a MAC when the remaining twelve county commissioners supported the proposal.

Chairman Pizzi indicated that he would modify his suggestion to recommend that the general ordinance be changed to allow the Miami-Dade County Mayor or a majority of the county commissioners to recommend the creation of a MAC.

Mr. Friedman commented that the Mayor had indicated that he was in favor of adopting a policy of full incorporation; and based on that assumption, the Task Force should review in depth the current process in order to streamline or improve it, address the net result of additional annexations and incorporations, and address the remaining unincorporated areas.

Upon conclusion of the foregoing discussion, Chairman Pizzi modified his motion.

**Motion Number 1 (Revised):**

***It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the Miami-Dade County Code should be changed to allow a Municipal Advisory Committee (MAC) to be created if either the Miami-Dade County Mayor, a majority of county commissioners, or the County Commission district commissioner supported the proposal. This motion was seconded by Mr. Alexander; and upon being put to a vote, the motion passed by a roll call vote of 10-3 (Mr. Manrique, Ms. Lamb, and Vice Chairman Forbes voted "no").***

Chairman Pizzi noted the Task Force members would be able to revote on all of the proposed recommendations at the end of the deliberations.

Chairman Pizzi asked if any of the Task Force members believed that, as part of the process, incorporation and annexation applications should continue to be reviewed by the PAB.

Ms. Lamb said she believed that the PAB should continue reviewing incorporation and annexation applications as that hearing provided the public with an opportunity to speak.

Mayor Marono said that, in his view, the PAB review was an unnecessary hearing. While acknowledging that it provided the public with a venue to speak, he noted the public had six opportunities to speak before the County Commission; and ultimately, the County Commission had the final say.

Ms. Lamb commented that the future of the application was already determined by the time the County Commission considered the application.

Mr. Bierman expressed his concurrence with Mayor Marono and the view that the PAB hearing was an unnecessary step.

Mr. Feldman noted the Mayor's recommendation proposed to eliminate unnecessary steps within the PAB process. He said that currently a subcommittee of the PAB reviewed the application and made recommendations to the PAB, and it would be sensible to eliminate the PAB's subcommittee review.

Pursuant to Chairman Pizzi's request, Mr. Fernandez explained the role of the PAB in the process. He explained that the County Commission originally accepted the application when it was filed and sent it to the PAB for review. He noted County staff reviewed the application and prepared a detailed report before forwarding it to the PAB. He said that the PAB was one of the steps in the application process, and several issues were studied during the application review process. He pointed out that the PAB was an advisory board which made a recommendation on the application before sending it to the County Commission.

Chairman Pizzi noted the application would still be considered by the Board and the community even though the PAB voted unanimously to deny the application.

Ms. Lamb noted the PAB reviewed the financial aspects of the application.

Mr. Manrique suggested that the community councils should be the bodies to review the applications since their members were elected officials. He noted the PAB was part of the application process before the community councils were created.

Ms. Lamb noted she concurred with Mr. Manrique.

Ms. De La Camara noted County staff first reviewed the application and made recommendations prior to the subcommittee review; and then, a subcommittee of the PAB reviewed the application to make recommendations to the PAB. She pointed out that this was a duplication of efforts.

Budget Director Moon clarified that the Mayor's recommendation was to eliminate the PAB's subcommittee review and not the PAB review due to the Charter's requirement; furthermore, the Mayor had not recommended that the Charter be changed.

Ms. Cates commented members of community councils would risk their elected office if they were to assume the responsibility to review the incorporation applications.

**Motion Number 2:**

***It was moved by Mayor Marono that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that annexation and incorporation application processes be streamlined by eliminating the Planning Advisory Board (PAB) Subcommittee application review process. This motion was seconded by Mr. Feldman; and upon being put to a vote, the motion passed by a vote of 13-0.***

Mayor Marono recommended that Chairman Pizzi establish a date to conclude the deliberations of this Task Force.

Chairman Pizzi suggested that the Task Force should conclude its deliberations by the end of July 2013.

Mr. Friedman pointed out that it was a bit early to determine when the deliberations would conclude because the Task Force members needed to first select the topics to be discussed.

Chairman Pizzi said that he wished to discuss an issue, which had already been brought up several times, regarding whether the County should no longer retain franchise fees and utility taxes.

**Motion Number 3:**

***It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the County should provide the franchise fees and utility taxes related to debt service to the city annexing an area. This motion was seconded by Mayor Marono, and the floor was opened for discussion.***

Mr. Friedman suggested that the County apply a sliding scale to release the franchise fees and utility taxes if the annexing area was identified as a revenue generator in order to provide the County with an adjustment period. However, if the area was found to be either revenue neutral or recipient, the County should release the franchise fees and utility taxes immediately.

Pursuant to Ms. De La Camara's request, Budget Director Moon explained that the utility taxes were formulated by the State of Florida; and franchise fees were controlled by the County's interlocal agreement with Florida Power & Light for their use of the County's right-of-ways. She explained that the interlocal agreement was a 30-year agreement, and it could only be amended by referendum. Consequently, the County had entered into interlocal agreements with incorporating municipalities to distribute those fees to them. She clarified that the motion referred to annexations and not incorporations, and that the recommendation was being made to make it consistent with incorporations.

Pursuant to Chairman Pizzi's inquiry, Budget Director Moon clarified that the Mayor's recommendation suggested that franchise fees and utility taxes for annexations and incorporations should be treated consistently.

Mr. Feldman noted the Mayor, County staff members, and many residents supported this recommendation because the County's retention of those revenues impeded the occurrence of possible annexations and prevented equalizing incorporations. He suggested that the Task Force members should review the impact of this recommendation on UMSA and recommend that a process be established to review this issue as annexations moved forward.

Chairman Pizzi commented that one of the greatest impediments to annexing areas left behind was the inconsistent treatment between annexing areas and newly incorporated cities in terms of the franchise fees and utility taxes.

Ms. Lamb noted the recommendation involved giving away the franchise fees, and she pointed out that these were as high as the property taxes in many areas. Therefore, in order to protect the UMSA residents, the Task Force should discuss which areas should be allowed to be annexed. She commented that an election was not allowed for seven out of nine annexation applications due to the population size requirement because the impacted areas had a population size smaller than 250 residents. She noted this recommendation benefited municipalities, and it encouraged the annexation of commercial areas.

Mayor Marono explained that his municipality's \$70 million budget consisted of approximately \$4.5 million from ad valorem taxes, and the remainder of the budget funds was not obtained from taxes. He noted \$1.2 million represented the franchise fees and utility taxes the County retained from his municipality; and from those revenues, approximately \$120,000 represented debt service. He stated that the remainder of the funds not used for debt service was returned to the municipality and invested in the community to lower his residents' taxes.

Ms. Lamb said that the figures provided by Mayor Marono reflected the budget of a city that had annexed residential and not commercial areas. However, she pointed out the negative financial impact on UMSA when municipalities only annexed commercial areas.

Chairman Pizzi noted the distribution of franchise fees and utility taxes to annexing municipalities would encourage annexations.

Pursuant to Mr. Bierman's inquiry regarding the expiration date of the debt service, Budget Director Moon explained several bond series remained outstanding with different expiration dates. She indicated that the last bond series was issued in 2006 with an expiration date of 2026. She pointed out that the issue was not whether the County was responsible for the debt because the jurisdiction remained responsible for the payment of its portion of the debt, which the Budget Department calculated. She clarified that this recommendation would not place the debt obligation on the County, and it would maintain the debt obligation with the municipalities and would release the revenues to the municipal entities in order for them to make the payment of the obligation.

Upon conclusion of the foregoing discussion, ***the motion was put to a vote; and the motion passed by a vote of 7-4 (Mr. Friedman, Mr. Manrique, Ms. Lamb, and Vice Chairman Forbes voted "no"). (Mr. Diaz-Padron and Commissioner Zapata were absent).***

Chairman Pizzi asked every Task Force member to identify any issues which he/she believed should be addressed with a recommendation to be forwarded to the Board before the process concluded.

Ms. Lamb asked that the Task Force members consider and vote on her proposal and that it be included in the record as an alternative solution since not every community would choose to incorporate.

Chairman Pizzi asked Ms. Ann Cates and Mr. Steve Alexander to prepare a list of all the issues needing to be addressed by the Task Force. He noted Ms. Lamb's proposal would be one of the issues to be considered, and she should make a motion to have the proposal adopted.

Pursuant to Mayor Marono's suggestion to have the Task Force vote on the recommendations outlined in Mayor Gimenez' memorandum, Chairman Pizzi pointed out which recommendations were not yet addressed by the Task Force.

Pursuant to Mr. Alexander's suggestion that the Task Force should determine whether to recommend to the Board that the County's goal should be to annex or incorporate the entire County, Chairman Pizzi noted the Task Force had already voted on that issue.

Mr. Alexander stated that he was in substantial agreement with all of the recommendations contained in the Mayor's memorandum; and additionally, he also believed that the County should establish the goal of incorporating and annexing the entire County.

Chairman Pizzi noted the Mayor had indicated his interest in the 25 percent registered voter signature requirement for annexation petitions of areas with a population size greater than 250 residents. He explained that the Mayor's concern was whether the 25 percent signature requirement should be eliminated or reduced to a 20 percent signature requirement as in the case of incorporations per the Charter amendment.

Chairman Pizzi suggested that the Task Force members review the 25 percent signature requirement for annexation petitions.

Following a brief discussion among the Task Force members on the issues regarding the Urban Development Boundary (UDB) and the total incorporation of UMSA, Budget Director Moon pointed out that the Mayor had not recommended the total incorporation of UMSA.

Chairman Pizzi noted the Mayor had recommended that annexations and incorporations should remain within the UDB; areas outside of the UDB should not be incorporated or annexed; and the Board should retain jurisdiction outside of the UDB. He said he believed that people wished that the County Commission should retain the zoning authority outside of the UDB.

In response to Chairman Pizzi's inquiry regarding the impact of a recommendation stating that incorporations outside of the UDB should not be allowed, Budget Director Moon responded that this would make the incorporation of the Redland area impossible with the current boundaries.

Pursuant to Chairman Pizzi's question regarding whether communities should be allowed to incorporate outside of the UDB, Mr. Manrique expressed his support for allowing incorporations outside of the UDB; however, he suggested that the County Commission retain the power to move the UDB line and regulate outside of the UDB. He noted that, once the UDB line was moved, any area which no longer remained outside the UDB could be annexed to a city.

Discussion ensued among the Task Force members regarding the Mayor's recommendation regarding annexations and incorporations outside of the UDB line and what type of development should be allowed outside of the UDB line.

In response to Mr. Alexander's question regarding the annexation requirements of the State of Florida Statutes referenced in the Mayor's memorandum, Assistant County Attorney Johnson-Stacks clarified that the provisions of state law for annexations and incorporations were inapplicable to Miami-Dade County since the Charter contained ordinances addressing that issue.

Discussion ensued among the Task Force members regarding whether annexations should be allowed to happen outside of the UDB line and the requirements to annex.

#### **Motion Number 4**

***It was moved by Mr. Manrique that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that it should allow annexations and incorporations outside of the Urban Development Boundary (UDB); that the County Commission should retain the zoning authority of the areas outside of the UDB until the UDB line was moved; and that the County Commission should release the zoning authority of an annexed area to the annexing city. This motion was seconded by Mayor Marono, and the floor was opened for discussion.***

***Mayor Marono proposed to amend the motion to include that dual approvals be required for any changes.***

***Mr. Manrique accepted the change.***

Assistant County Attorney Johnson-Stacks pointed out the existing provisions of the Miami-Dade Code (the Code), which accomplished the Task Force's intention. She referred to Section 2-116.1 of the Code, which provided: "The location of the UDB and permitted land uses outside of the UDB shall be governed by the Miami-Dade County Comprehensive Development Master Plan (CDMP), notwithstanding the fact that the UDB may lie within a municipality." She clarified that any amendments to the UDB or land uses permitted by the CDMP shall first be bound and processed in accordance with the procedures for an unincorporated area, which basically maintained the County in control of land uses outside of the UDB and the movement of the UDB.

Discussion ensued between Assistant County Attorney Johnson-Stacks and Mr. Bierman regarding what the provisions of the Code accomplished.

Pursuant to Mr. Manrique's inquiry, Assistant County Attorney Johnson-Stacks advised that his motion was acceptable, as it slightly refined the provisions of the Code.

Upon conclusion of the foregoing discussion, *the motion was put to a vote; and the motion passed by a vote of 7-2 (Ms. Cates and Ms. De La Camara voted "no"). (Mr. Alexander, Mr. Diaz-Padron, Commissioner Zapata, and Vice Chairman Forbes were absent).*

Pursuant to Mr. Friedman's inquiry regarding the date of the next UDB review, Mr. Gianni Lodi, Supervisor, Community and Area Planning, Miami-Dade Department of Regulatory and Economic Resources, explained that private or third-party UDB amendment applications could only be filed every two years; but County staff could file an UDB amendment application at any time.

Following a brief discussion among the Task Force members regarding whether the 2012 Charter Review Task Force (CRTF) discussed making a recommendation to prevent the Board from moving the UDB, Assistant County Attorney Johnson-Stacks said she believed that the CRTF members wanted to codify a current ordinance provision to require a two-thirds vote of the County Commission members to move the UDB.

In response to Chairman Pizzi's question regarding whether the Task Force should recommend the total incorporation of UMSA, Mr. Feldman said he believed that this issue was beyond this Task Force's scope of work. Instead, he suggested that the Task Force members consider making a motion indicating their support for incorporation and annexation studies and allowing applications already in the pipeline to proceed without further delay.

Mr. Friedman suggested that this Task Force assume a policy of total incorporation and focus on reviewing the individual aspects of that policy.

Pursuant to Chairman Pizzi's question regarding whether the Board currently had the legal power to impose annexations or incorporations if remaining unincorporated areas would not initiate an annexation or incorporation, Assistant County Attorney Johnson-Stacks advised that this issue would have to be addressed through a Charter amendment because voter approval was required at the current time regardless of any adopted plan for total incorporation; and it would also require approval from the cities affected by an annexation.

Discussion ensued among the Task Force members regarding whether the County had the ability to decide whether to limit or eliminate the delivery of services to remaining unincorporated areas in order to force those areas to either incorporate or annex.

Commissioner Zapata stated that the County had actually created an incentive for communities to remain unincorporated through the budget process by maintaining a low millage rate for unincorporated areas. He suggested that the County remove that incentive in order to encourage incorporations. He noted the County Commission spent too much time on municipal issues, when it should focus on regional issues. He pointed out that cities invested into their communities, which was not the case with UMSA; consequently, over time, this would create a

level of decay and neglect within the unincorporated areas. Furthermore, unincorporated areas were unable to receive funding from outside of County government.

Commissioner Zapata made the following suggestions:

1. that UMSA residents should be asked whether they wished to govern themselves;
2. that the County should create a disincentive to remaining unincorporated; and
3. that the County should use community councils as advocates for incorporations and annexations.

Mr. Bierman noted the incorporation of UMSA would happen organically, especially if the County could expedite the process of the pending incorporation and annexation applications because it would force the County to decide whether to reduce service delivery within UMSA or increase the millage rate; in addition, this policy would lead UMSA residents to consider the benefits of incorporation and annexation for their communities.

Mr. Bierman suggested that the County should conduct a public poll survey focused on each area to ask specific questions and obtain the opinion of every UMSA resident on this issue.

Chairman Pizzi suggested that this Task Force recommend to the Board to consider asking the UMSA residents whether their areas should be annexed or incorporated; and if the majority of the residents showed approval for full incorporation and annexation, the County should proceed to remove impediments to incorporations. He asked if the Task Force members supported that recommendation.

Mayor Marono stated that the Task Force should not advocate the right to self-determination while setting forth recommendations for the Board's consideration on the future of UMSA. He noted UMSA was the County's concern and not the responsibility of this Task Force. He stated that, in his opinion, the County created this Task Force as an additional tactic to delay pending annexation and incorporation applications. He said he had heard that the Board intended to postpone all pending annexation and incorporation applications until this Task Force submitted its report even though several studies had already been done.

In response to Chairman Pizzi's inquiry regarding whether the County Commission had suggested the postponement of pending annexation and incorporation applications until this Task Force submitted its report, Commissioner Zapata confirmed that a discussion was held at the committee level and at a County Commission meeting.

Mr. Bierman suggested that this Task Force make a motion at today's meeting recommending that the Board not postpone pending annexation and incorporation applications until this Task Force submitted its report.

Discussion ensued among the Task Force members regarding the Board's intention in regards to pending annexation and incorporation applications when this Task Force was created.

Mr. Feldman suggested that, as a general proposal, this Task Force should recommend to the Board that the County Commission should proceed with any pending annexation and incorporation studies and applications. Referring to Chairman Pizzi's question regarding whether annexations and incorporations were beneficial, Mr. Feldman responded that it depended on the person answering. He provided an accounting of the residents who appeared in favor of and opposed to annexations and incorporations at the public hearings.

Ms. Lamb noted the Kendall area MAC was stopped because the straw vote poll taken indicated that the area residents opposed the MAC. She emphasized the importance of providing public education to enable area residents to make a knowledgeable decision.

Mr. Friedman stated that the County had made a political decision to lower the UMSA millage rate to an unsustainable level, and he expressed concern for that decision from an economic standpoint. He noted that, if this practice was allowed to continue for a long period of time, it might result in a balloon payment in order to bring infrastructure and services up to a certain level. He pointed out that residents made their decisions based on how their finances were impacted as opposed to what was in the best interest of the entire County. He suggested that UMSA's millage rate should be increased to allow the County to maintain the same level of services and avoid future problems.

Discussion ensued among Task Force members regarding the need for public education on these issues.

Commissioner Zapata said that the County Commission had taken away the local voice and power of community councils, noting these bodies could be an effective voice of their specific areas and could provide a sense of local government to their communities. He noted the question was whether the power of community councils should be developed.

Discussion ensued between Commissioner Zapata and Ms. Lamb regarding how to increase local representation and taxes.

Chairman Pizzi directed the focus of the foregoing discussion to the Mayor's recommendation regarding petition signature requirements. He read into the record the recommendation stating that: "The County Code required that annexations initiated by municipalities obtain 25 percent signatures of the residents within the annexing area. However, last November, the voters approved to change the Charter and lowered the requirements to 20 percent per petition. The annexation petition requirement should be lowered to 20 percent to mirror the County Charter change approved by the voters." He asked whether the annexation petition signature

requirements should be lowered to mirror the incorporation petition signature requirements under the Charter.

Mr. Bierman stated the petition signature requirement should not be an impediment since an election would ultimately be held on the annexation, and he believed that even the 20 percent signature requirement was very high. He suggested that the Task Force members consider recommending lowering the petition signature requirements to have at the very least the same signature requirement as under the Charter.

Mr. Feldman noted there should be consistency, and he suggested that the Task Force members should recommend to the Board that both petition signature requirements should be 20 percent for affected areas with a population size less than 15,000 residents, and 15 percent for affected areas with a population size greater than 15,000 residents; but petitions would not be gathered for affected areas having a population size less than 3,000 residents.

Discussion ensued among the Task Force members regarding Mr. Feldman's recommendation and the petition signature requirements.

**Motion Number 5:**

***It was moved by Mr. Feldman that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the County Commission should lower the petition signature requirement to 20 percent for affected areas with a population size less than 15,000 residents; and that the petition signature requirement should be 15 percent for affected areas with a population size greater than 15,000 residents; and that petitions should not be gathered for affected areas having a population size less than 3,000 residents. This motion was seconded by Chairman Pizzi; and the floor was opened for discussion.***

***Vice Chairman Forbes proposed to amend the motion to eliminate stipulating at this time the petition percentage requirement and to include the percentage sliding scale at a later time.***

***Mr. Feldman accepted the friendly amendment.***

***Chairman Pizzi clarified that the motion stated that the Miami-Dade Annexation and Incorporation Task Force should recommend to the Board of County Commissioners that the County Commission should lower the petition signature requirement to 20 percent for affected areas with a population size less than 15,000 residents; and that the requirement should be on a sliding scale for affected areas with a population size greater than 15,000 residents; and that petitions should not be gathered in affected areas with a population size less than 3,000 residents.***

***Ms. Cates proposed to amend the motion to recommend that the Board should amend the Miami-Dade Code to increase the time allotted to gather the petitions to 180 days in conformity with the Charter's provisions.***

Budget Director Moon clarified that the discussion pertained to petitions for MACs, but there was also a new petition process included in the Charter, which was not reflected in the Code yet. She asked which process the motion addressed.

***Mr. Feldman clarified that his motion was applicable to both petition processes.***

Following a brief discussion among the Task Force members regarding whether the threshold should be lowered, Mr. Manrique questioned whether this Task Force had the power to establish a second set of rules, which were not those approved by the voters and included in the Charter. He pointed out that this would lead to two separate systems.

Assistant County Attorney Johnson-Stacks advised that a Charter amendment would be required to implement the Task Force's recommendation if recommending to change the percentage in the Charter provision.

Mr. Manrique clarified that the Task Force's members were not recommending a Charter amendment but rather the enactment of an ordinance.

Assistant County Attorney Johnson-Stacks advised that the Task Force members needed to clarify which petition signature requirement the motion addressed since initially the discussion addressed lowering the percentage for annexations to 20 percent; and later, the discussion shifted to petitions for incorporations and the MAC process. She asked Mr. Feldman to clarify which petition signature requirement the recommendation addressed.

Pursuant to Mr. Feldman's inquiry relating to the current petition signature requirements, Assistant County Attorney Johnson-Stacks clarified that the Charter provision required 20 percent for incorporations; and the Code had a 25 percent signature requirement provision for annexation and incorporation petitions. In addition, the creation of a MAC, which could be initiated by a county commissioner, had a 25 percent consent requirement.

In response to Chairman Pizzi's question to Mr. Feldman on how he wished to redirect his motion, Mr. Feldman stated that consistency should be created for the petition signature requirements for annexations and incorporations; but incorporations had two processes.

***Motion Number 5 (Revised):***

***Chairman Pizzi rephrased the motion saying that the Miami-Dade Annexation and Incorporation Task Force should recommend to the Board of County Commissioners that the***

*County Commission should establish a sliding scale to be determined at a later date for incorporation applications with a population size greater than 15,000 residents.*

*Mr. Feldman stated that it needed to be consistent with the Charter's incorporation process and the ordinance addressing the MAC process.*

Budget Director Moon pointed out that Mr. Feldman's recommendation would require a Charter amendment.

Mr. Feldman indicated that he would support setting forth a recommendation for a Charter amendment to create consistency.

*This motion was seconded by Mr. Bierman; and upon being put to a vote, the motion passed by a vote of 9-2 (Mr. Friedman and Ms. Lamb voted "no"). (Mr. Alexander and Mr. Diaz-Padron were absent)*

Mr. Friedman suggested two motions should be made, one to reflect the voters' wishes and another indicating the changes discussed, which included a Charter amendment.

Chairman Pizzi advised Mr. Friedman would be recognized first to make a motion at the Task Force's next scheduled meeting since the motion had already passed.

Mr. Manrique suggested that the Task Force should provide Commissioner Jordan with a progress report and respectfully request that any pending annexation and incorporation applications not be stopped until the Task Force submitted its final report.

Pursuant to Chairman Pizzi's question, *the Task Force members agreed to have Chairman Pizzi prepare a letter and a progress report addressed to the Mayor and the Board of County Commissioners; and that the letter should also ask the Board not to stop pending incorporation and annexation applications until the Task Force submitted its final report.*

Ms. Lamb objected.

#### **OTHER BUSINESS, UPDATES, AND REPORTS**

None presented

#### **NEXT MEETING**

Mr. Jorge Fernandez announced that the next meeting would be held on June 19, 2013, at 9:00 a.m., at the Stephen P. Clark Center, in Room 18-3.

**ADJOURNMENT**

There being no further business to come before the Miami-Dade Annexation and Incorporation Task Force, the meeting adjourned at 11:00 a.m.

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Vice Chairman Kenneth Forbes, Miami-Dade  
Annexation and Incorporation Task Force