



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

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

June 19, 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 19, 2013**

The Miami-Dade Annexation and Incorporation Task Force (the Task Force) convened on June 19, 2013, at the Stephen P. Clark Center, 111 N.W. First Street, Room 18-3, Miami, Florida, at 9:00 a.m. There being present Chairman Michael Pizzi, Vice Chairman Kenneth Forbes, Mr. Mitchell A. Bierman, Ms. Anne Cates, Ms. Rosa M. De La Camara, Mr. Richard Friedman, City of Sweetwater Mayor Manuel L. Marono, Ms. Deborah Skill Lamb (Mr. Steven Alexander, Mr. Carlos Diaz-Padron, Mr. Carlos Manrique, Miami-Dade County Commissioner Juan Zapata 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 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.

APPROVAL OF MINUTES FROM MAY 8, 2013, MEETING

It was moved by Vice Chairman Forbes that the Miami-Dade Annexation and Incorporation Task Force approve the May 8, 2013, meeting minutes. This motion was seconded by Mayor Marono; and upon being put to a vote, the motion passed by a vote of 9-3 (Ms. De La Camara, Ms. Lamb, and Mr. Friedman voted no). (Mr. Feldman was absent)

ADD ON: Meeting Minutes from May 1, 2013, Meeting

It was moved by Mayor Marono that the Miami-Dade Annexation and Incorporation Task Force approve the May 1, 2013, meeting minutes. This motion was seconded by Chairman Pizzi; and upon being put to a vote, the motion passed by a vote of 12-0 (Mr. Feldman was absent).

PUBLIC DISCUSSION (20 MINUTES)

None presented

TASK FORCE DISCUSSION

Chairman Pizzi advised the Miami-Dade Annexation and Incorporation Task Force (the Task Force) made several recommendations at the last meeting, and those recommendations were as follows:

1. that Municipal Advisory Committees (MAC) could be established by a majority vote of the Board of County Commissioners and not just by the county commission district commissioner;
2. that the gas and utilities taxes be transferred to the annexing city;
3. that an area located outside the Urban Development Boundary (UDB) line could incorporate with the requirement that zoning decisions had to be approved by the

- County Commission and the governing body of that new municipality or annexing area;
and
4. that there be consistency with the newly approved Charter language change relating to signature requirement for petitions.

Mayor's Recommendation Relating to the County's Current Policy for Annexations

Chairman Pizzi stated two other recommendations from Mayor Gimenez's memorandum remained unaddressed, and one of the recommendations addressed the requirement that an area had to have a population size above 250 residents to allow a vote.

Mayor Marono commented allowing businesses to vote represented a concern and its constitutionality was questionable. He noted residents should be the only ones allowed to vote, and residents were impacted by surrounding businesses. Therefore, he believed the process should remain as is.

Motion Number 1:

It was moved by Mayor Marono that the Miami-Dade Annexation and Incorporation Task Force include in its recommendations to the Board of County Commissioners Mayor Gimenez's recommendation that the County's current policy for annexations relating to not allowing an election for annexation petitions for areas with a population size below 250 registered voters. This motion was seconded by Mr. Bierman.

Chairman Pizzi opened the floor for discussion.

Vice Chairman Forbes reminded Chairman Pizzi that Mr. Friedman had been promised at the last meeting that he would be allowed to speak first on items opened for discussion.

Mr. Friedman commented that, at the last Task Force's meeting, it had been said that a change in signature requirements required a Charter amendment; and he believed that the recommendation was to reflect the newly approved Charter recommendation as approved by the voters. He suggested that the Task Force should address this issue on a two-fold basis whereby this Task Force would set forth a recommendation to the County Commission indicating that the ordinance should be amended to reflect the voters' approval of the Charter amendment; and the second part of the recommendation would recommend a Charter change and a public vote. He noted that the Task Force's recommendation should include the actual language from the Charter amendment approved by the voters; and then, the Task Force should review the feasibility of changing the signature requirement percentages for petitions, which would also require a Charter amendment. He suggested that the Task Force recommend a policy which could be enacted by majority vote of the County Commission versus the requirement of a Charter amendment.

Chairman Pizzi commented that the Task Force's discussion on Mr. Feldman's motion relating to signature requirement for petitions at the Task Force's last meeting (06/12) was a bit confusing, and he asked Ms. Moon to explain the motion and the Task Force's final vote on that issue.

Messrs. Manrique and Diaz-Padron joined the meeting.

Budget Director Jennifer Moon, Office of Management and Budget (OMB), agreed it had been confusing, and her notes indicated that Mr. Feldman recommended that the signature requirement for the petition process be lowered to 15 percent if the population of the proposed area was greater than 15,000 residents and 20 percent if the population was lower. She also stated that Mr. Feldman recommended the annexation and incorporation petitions should have the same petition signature requirements.

Chairman Pizzi explained his understanding of the recommendation, and he stated that Mr. Feldman felt that it would be burden to meet the 20 percent signature requirement for the petition if the MAC or proposed boundaries affected 100,000 or 150,000 residents.

Ms. Lamb commented that, she thought, 15 percent should be applied to higher population figures.

Chairman Pizzi clarified the Task Force had already voted on that recommendation at its last meeting (06/12).

Following a brief discussion between Ms. Lamb and Chairman Pizzi regarding Mr. Feldman's recommendation, Chairman Pizzi asked Mr. Friedman if he wished to make an additional recommendation.

Mr. Friedman responded that he did not wish to change Mr. Feldman's recommendation, and he just wished to have that recommendation clarified in terms of whether it required a Charter amendment.

In connection to Chairman Pizzi's question regarding the feasibility of Mr. Feldman's recommendation regarding the signature requirement for petitions, Assistant County Attorney Collier advised Options A and B were available for incorporations. He explained Option B was recently adopted as part of the Charter, which was self-executing and with its own separate procedure. He advised Option A had existed in the Charter since its adoption, and certain procedures had been adopted by the enactment of ordinances. He pointed out the concept of MACs was a Code concept and not a Charter concept, which was introduced at the time the City of Miami Lakes was incorporated; and the Task Force could alter the implementing provisions set forth in Option A without changing the process, in terms of percentages and the MAC provisions.

Assistant County Attorney Collier noted all incorporations currently in the process with MACs already created were under Option A and not Option B. He pointed out Option B was a very specific and detailed Charter procedure recently adopted; and Option A represented a much more general process, which afforded the County with the opportunity to adopt procedures.

Chairman Pizzi stated the Task Force members had adopted Mr. Feldman's recommendation, which would not require a Charter amendment, as a preliminary recommendation; and it would be at the discretion of the County Commission to decide whether to adopt it and change the Code.

Assistant County Attorney Collier agreed with Chairman Pizzi's interpretation, but there would always be an argument for any recommendation.

Mr. Alexander and Commissioner Zapata joined the meeting.

Mr. Manrique advised that the recommendations set forth by the Task Force would be those receiving a majority vote, and language could be added to recommend that the Charter be consistent with the enacted ordinances and that the Task Force's recommendations be placed before the voters at the next available election. He stated language inconsistencies between the Charter and the Code created confusion; therefore, the Charter and Code should be reconciled. He also recommended that the Task Force's recommendations should be included in the Charter and the Code.

Pursuant to Chairman Pizzi's request that Mayor Marono restate the motion on the table, Mr. Bierman expressed his concurrence with the motion as it was.

Pursuant to Chairman Pizzi's request, Mayor Marono restated his motion. He stated that the motion was to leave the current process as is whereby the residents of a proposed area for annexation with a population size below 250 residents would not be allowed to vote on the proposed annexation and that the business owners would not be allowed to cast a vote for an annexation.

In connection with Ms. Cates' request, Mayor Marono clarified the intent of his motion. He stated that the voters would not be allowed to vote on the annexation proposal if the proposed area for annexation had less than 250 voters, and the annexation proposal would be directly placed before the County Commission for their consideration.

Ms. Cates noted it was very dangerous not to allow 250 registered voters to vote, especially for an area like Redland; and it should be considered as a separate recommendation. She agreed that business owners should not be allowed to vote inasmuch as those individuals voted in their area of residence.

Mr. Bierman agreed with Ms. Cates' comments regarding not allowing business owners to vote in a district different than their residential district, but business owners had ample opportunities to campaign for or against the issue.

Mr. Manrique commented he agreed with Ms. Cates' and Mr. Bierman's statements, but the Mayor was asking for petitions. He clarified his interpretation of the Mayor's intent.

Ms. Lamb suggested that the right to sign the petition should be linked to the business license owner.

Chairman Pizzi expressed his concerns regarding the recommendation to provide business owners the right to sign a petition, and he noted that no business in the history of Miami-Dade County had ever been provided with the right to vote or sign a petition whether an individual voted for county commissioners or not. He also noted the worse type of cherry picking and reverse cherry picking would result from allowing commercial property owners to vote due to proportionality. He pointed out commercial property owners would vote to continue to be under the jurisdiction of the County or to become part of a low millage rate municipality; and as a result, small cities like West Miami, Opa-Locka, and Sweetwater would be unable to secure a commercial base. He stated that it would also allow wealthy areas like Aventura and Miami Lakes to annex or invite commercial property owners into their areas.

Chairman Pizzi stated that, as a policy decision, commercial property owners were not given the right to vote when the City of Miami Lakes incorporated. He stated that he would support Mayor Marono's motion because a consistent policy should be in place as a matter of general policy for annexations and incorporations.

Pursuant to Ms. Lamb's comments, Chairman Pizzi noted the same argument was applicable to annexation and incorporations.

Ms. Lamb stated that Chairman Pizzi was mixing incorporations with annexations; and in the last nine annexation proposals, seven of the petitions were done without allowing a vote because it was a land seize. She noted the Task Force's task was to address the remaining Unincorporated Municipal Service Areas (UMSA) and maintain the tax base; and she had concerns regarding a city with a population of 838 residents trying to annex a commercial area in order to be able to lower their real estate property taxes.

Pursuant to Ms. Lamb's concerns regarding ethical issues, Chairman Pizzi clarified that all Task Force members had either participated in a MAC or had represented a city as Mayors or attorneys; but this Task Force would only vote on countywide genetic policies. He noted this Task Force would not discuss or vote on any particular city's application or MAC; and the Ethics Commission had repeatedly stated that an official could vote within his/her own city on issues which applied genetically, citywide, or even countywide. He asked issues be discussed genetically rather than on a personal basis.

Ms. Lamb pointed out that this Task Force was tasked to help UMSA and not help individual cities wishing to take commercial property to increase the tax base for that municipality. She emphasized that the Task Force had been told that UMSA's tax base was already at a critical state. She stated a stakeholder should be allowed to have a say, and the Mayor's recommendation referred to a petition and not a vote. She stated this Task Force should be supporting businesses, and business owners should be allowed to petition.

Pursuant to Chairman Pizzi's question regarding whether the County had ever allowed business owners to sign a petition or vote on it, Ms. Lamb advised that her concern pertained to the possible tax increase, the businesses ability to sustain that tax increase, and providing the businesses the ability to remain in business.

Discussion ensued between Chairman Pizzi and Ms. Lamb regarding the policy decisions cities were required to make in terms of the millage rates.

Ms. Lamb stated that, based on the State of Florida Statutes, business owners should have a say inasmuch as the State required the petition from business owners to incorporate an area; and she expressed her objections to the practice of municipalities annexing unincorporated commercial areas since it adversely impacted UMSA's tax base.

Mayor Marono asked Ms. Lamb to be more discerning on her choice of words when commenting on issues relating to the rationale as to why a city would petition an annexation in order to avoid any type of offensiveness.

Ms. De La Camara expressed her support for Mayor Marono's motion and expressed her concerns for allowing business owners to vote. She advised she was unaware of any federal,

state, municipal, or any other legislation that would allow a business to vote. She stated that, if the motion were to carry, she would support allowing everyone to vote regardless of the number of residents.

Mr. Friedman noted that, as a city manager, he would appraise the financial impact of an annexation on his municipality; and it was understandable for a city manager to wish to annex an area that would increase the tax base of his/her city and improve the quality of life of the residents within that city. He expressed agreement with the current process as it was, but he believed a mechanism should be established to encourage and allow dialogue between the annexation applicants and the business owners for areas with a population size below 250 voters. He suggested that it would be helpful to ask applicants to agree to certain conditions in order to overcome objections to the application.

Chairman Pizzi commented there would be strong recommendations regarding holding town meeting to disseminate information.

Commissioner Zapata commented he believed business owners should not be allowed to vote. He stated the Task Force should focus on setting forth recommendations that would be in the best interest of the community and that would develop a process to benefit the community. He stated the issue of annexation should be reviewed globally and comprehensively, and the issues of revenue neutrality and the impact of annexations on UMSA should also be revisited. He also stated a mechanism should be in place to prevent placing UMSA at a disadvantage; and even though he supported annexations and believed it was a good idea, it was important to support revenue neutral annexations to maintain balance. He recommended that the incorporation component of an annexation should be addressed to prevent existing cities from taking advantage of potential future cities, and the Task Force should be sensitive to that.

Commissioner Zapata noted that, even though he was unsupportive of mitigation, a mechanism had to be established to create balance; and he was uncertain on how to accomplish that. He stated he represented a totally unincorporated area, and he was an advocate for incorporation. He also stated that he would not like to see any harmed to pending incorporation applications for his county commission district due to someone's financial perspective or trying to do something in their best interest.

Mr. Bierman advised that the County's current process allowed for all of these issues to be laid and considered numerous times with plenty of public input, and the County Commission should consider that impact on UMSA when a municipality proposed to annex a nearby high valued commercial area. He noted the County Commission should carefully weigh each application, and he believed it could be done without adding other impediments such as requiring business owners' consent through petition. He suggested that the County Commission should impose without allowing for any negotiations on municipalities requesting to annex high valued area the requirement that an adjacent recipient community be annexed, and the Task Force should review this recommendation.

Commissioner Zapata expressed his support for including Mr. Bierman's suggestion in the Task Force's recommendations.

Chairman Pizzi commented the issue was crystal clear, and everyone had spoken very eloquently and forcibly.

Mr. Bierman noted that, he believed, the requisite that the area proposed for annexation had to have a population size above 250 voters to allow a vote was established to prevent over burdening the Miami-Dade Elections Department. He noted that he would be weary of burdening the Elections Department by lowering that threshold.

Chairman Pizzi restated into the record the motion on the table, noting the motion was not to change the current County process, and not to change the threshold requirement of 250 voters, and not to allow business owners to vote or sign a petition subject to additional recommendations.

Upon conclusion of the foregoing discussion, *the motion on the floor was put to a vote; and the motion passed by a vote of 10-2 (Mr. Friedman and Ms. Lamb voted no). (Mr. Feldman was absent)*

Mayor's Recommendation Relating to Mitigation Payments - Annexations

Chairman Pizzi commented Mayor Gimenez made an important recommendation relating to mitigation, and he stated the recommendation read as follows: "the County Code requires a municipality annexing a non-revenue neutral area to make a mitigation payment. This should be eliminated. As UMSA areas are annexed, the service levels within the remaining UMSA will need to be adjusted to account for the loss in revenue. As noted earlier, at some point in time, it will not be economically feasible to preserve any unincorporated area."

Chairman Pizzi opened the floor for discussion; and there being no one wishing to comment, the floor was closed.

Motion Number 2:

It was moved by Mr. Alexander that the Miami-Dade Annexation and Incorporation Task Force include in its recommendations to the Board of County Commissioners Mayor Gimenez's recommendation relating to the elimination of mitigation payments for municipalities annexing a non-revenue neutral area. This motion was seconded by Chairman Pizzi; and upon being put to a vote, the motion passed by a vote of 11-1 (Ms. Lamb voted no). (Mr. Feldman was absent)

Mayor's Recommendation Relating to Boundaries

Chairman Pizzi commented Mayor Gimenez made a recommendation relating to boundaries, and he stated the recommendation read as follows: "the County Code does not require annexing municipalities to request boundaries that are logical or contiguous. The Task Force should consider criteria for boundaries that are contiguous, logical, and compact. This will ensure that remaining UMSA areas will be provided efficient and effective services. Exceptions for annexations where there is no contiguity or natural boundaries can be addressed on a case by case basis."

Chairman Pizzi opened the floor for discussion; and there being no one wishing to comment, the floor was closed.

Motion Number 3:

It was moved by Mr. Alexander that the Miami-Dade Annexation and Incorporation Task Force include in its recommendations to the Board of County Commissioners Mayor Gimenez's recommendation relating to establishing a requirement that would require municipalities requesting to annex areas to have contiguous, logical, and compact boundaries. This motion was seconded by Chairman Pizzi. The floor was opened for discussion.

Commissioner Zapata suggested that MACs should have logical boundaries along the lines of community councils rather than county commission districts.

Chairman Pizzi noted, he thought, that was currently required.

(Note: The Task Force members readdressed this motion at a later time during the meeting.)

Mayor's Recommendation Relating to Mitigation Payments – Incorporations

Pursuant to Ms. Moon's comments pointing out that the Task Force members had discussed mitigation fees as it related to annexations and not incorporations, Chairman Pizzi redirected the discussion to address mitigation fees for newly incorporated cities.

Chairman Pizzi suggested that the Task Force should address the issue of whether newly incorporated municipalities should make mitigation payments to the County, and the County Commission should approve incorporations with fair, logical boundaries. He noted that he disagreed with the imposition of mitigation payments on new municipalities since the State of Florida Senate and House of Representatives had voted unanimously to enact legislation to make mitigation payments illegal, and he summarized the history and litigation of those fees.

Mr. Bierman commented the County Commission should readdress that issue carefully taking into consideration which areas would allow imposing the requirement that contiguous areas be included in the proposed boundaries to ensure newly incorporated areas were balanced and would not create a large deficit or surplus for the County. He noted Fisher Island was currently the only area where that requirement could not be imposed inasmuch as it was an island, but the boundaries of any other area could be designed to be perfectly neutral or not to create a financial burden to the County.

Commissioner Zapata noted he had voted against mitigation payments during his tenure in the State Legislature, and he still felt the same way.

Motion Number 4:

It was moved by Mr. Alexander that the Miami-Dade Annexation and Incorporation Task Force include in its recommendations to the Board of County Commissioners Mayor Gimenez's recommendation pertaining to mitigation payments for incorporations to eliminate mitigation payments for newly incorporated municipalities. This motion was seconded by Ms. Cates. The floor was opened for discussion.

Chairman Pizzi clarified he was not ruling out the possibility that those cities that had paid the mitigation fee would be unable to request a refund under the favorite nation clause.

Assistant County Attorney Collier clarified the appeal settlement terms of the lawsuit pertaining to the mitigation fee, noting all municipalities settled on the terms that the mitigation fee would only be paid for seven (7) years.

Mr. Friedman noted voters should determine the boundaries, and the main issue was how to convince the voters it was in their best interest.

Ms. De La Camara stated it was her understanding the mitigation fee was imposed when an area had no revenue neutrality to avoid impacting UMSA's finances, but the question was how the deficit would be replenished.

Ms. Moon responded that tax rates were increased to make up the difference; and in certain areas, the opposite would happen.

Mr. Bierman commented that, when the area of Miami Gardens incorporated, it was considered a recipient community; and the incorporation of that area moved the finances in favor of the County; consequently, the revenues lost by the County due to the incorporations of the areas of Doral and Miami Lakes were recuperated by the incorporation of Miami Gardens.

Ms. Moon disagreed with Mr. Bierman's statement. She explained that, in actuality, UMSA's population began to increase when the property tax rolls began to depreciate considerably due to the development in unincorporated areas; and the population size in UMSA was actually higher after the incorporation of Miami Gardens and Doral together with the economic turnaround, which allowed the County to readjust its finances.

Ms. Moon advised the mitigation fee was implemented under the concept that those payments would be phased out; but the County never had the opportunity to phase out those payments due to the litigation case.

Upon conclusion of the foregoing discussion, the Task Force members proceeded to vote on the foregoing motion.

Commissioner Zapata pointed out that Ms. Moon had commented in an earlier meeting about how as the areas incorporate, the funding formula regarding the sales tax would be given a bump.

Following a discussion between Ms. Moon and Commissioner Zapata regarding how mitigation funds could be used and countywide funding, Commissioner Zapata stated that the cost of public safety should be a countywide expense and not funded with UMSA funds because crime was a countywide issue; and a fair mechanism should be created to address those needs. He noted the County strived to achieve revenue neutrality for incorporations and annexations; but at some point, reality indicated there were going to be some unmet needs.

Commissioner Zapata also stated mitigation was a bad policy intended to discourage incorporations and annexations; and the County had been instituting policies of that nature for several years. Subsequently, the elimination of mitigation would allow incorporations and annexations to move forward under an umbrella which would seek neutrality as much as possible; and the County would assume the responsibility of developing mechanisms to fill gaps whenever gaps were identified.

Ms. De La Camara stated that the Code vested the County Commission with the discretion on when and where if not revenue neutral. She asked Assistant County Attorney the question of whether that was the case and whether the Code should be amended, and she referenced Page 2026 of the Code.

Assistant County Attorney Collier noted he would come back with the answer.

Upon conclusion of the foregoing discussion, ***the motion on the floor was put to a vote and passed by a vote of 12-0. (Mr. Feldman was absent)***

Chairman Pizzi returned the Task Force's discussion to Mr. Alexander's previous motion relating to boundaries.

**Task Force Returned to Motion Number 3
(Mayor's Recommendation Pertaining to Boundaries):**

Chairman Pizzi read into the record the Mayor's recommendation pertaining to boundaries, and he opened the floor for discussion.

Commissioner Zapata stated that using county commission districts as the criteria to determine a MAC's boundaries should be discouraged inasmuch as it made no sense, and it would be better to determine the MAC's boundaries based on other criteria.

Pursuant to Ms. Lamb's comments, Commissioner Zapata stated that the guide should be the community councils' boundaries as opposed to County Commission Districts.

Discussion ensued among the Task Force members regarding what criteria should be considered to establish a MAC's boundaries.

It was moved by Mayor Marono that the Miami-Dade Annexation and Incorporation Task Force include in its recommendations to the Board of County Commissioners Mayor Gimenez's recommendation that boundaries for incorporations and annexations be logical and contiguous and that the requirement that an impacted county commissioner had to approve a Municipal Advisory Committee (MAC) be eliminated when the MAC comprised more than one (1) county commission district. This motion was seconded by Mr. Alexander, and the floor was opened for discussion.

Mr. Bierman commented that, he believed, an annexation petition should not be denied on the basis its boundaries were not a perfect square if individual property owners along its boundaries wished to become part of that city.

Mayor Marono suggested boundaries should be addressed on a case by case basis.

Following a discussion among the Task Force members regarding Chairwoman Sosa's newly enacted legislation, Chairman Pizzi clarified the motion. He stated that the motion was a recommendation to change the Miami-Dade Code (the Code) to allow the boundaries to be determined on a case by case basis and to recommend that the Code be changed to prevent a county commissioner from having the right to unilaterally stop a MAC because it affected his/her county commission district.

Pursuant to Mr. Diaz-Padron's suggestions that this Task Force addresses tactfully its recommendation pertaining the Board's current veto power on the creation of MACs and its boundaries, Commissioner Zapata noted that, as a Task Force, they should be as candid and honest as possible about their recommendations. He commented there was an established process not to take the impacted county commissioner out of the process and to address oppositions, and he believed these were some of the barriers which needed to be eliminated to encourage people to incorporate if the County really wished to move forward in order to lead to better outcomes and decisions.

Commissioner Zapata explained one of the three MACs he had created and its boundaries.

Following a brief discussion among the Task Force members regarding not imposing a recommendation on the Board, Mr. Diaz-Padron clarified his wish that this Task Force identify an alternative recommendation more in line with the existing state of affairs to which the Board would be more receptive.

Pursuant to Mr. Diaz-Padron's inquiry regarding the MAC process and the provisions of the Code, Assistant County Attorney Collier advised that the MACs were created based on population size since the Code had no specific provision on the process. He advised that the population size of each affected county commissioner were identified, and the amount of representation each county commissioner would have in each MAC was worked out since the MACs were created by ordinance. Therefore, the process would have the same dignity as any other process in the Code. He clarified the current process and how county commissioners were provided representation in MACs. He noted the Code had no provisions in this regard, and it was more of a natural consequence and the manner in which the Code was currently written.

Mr. Friedman commented the Task Force should set forth a recommendation that the Board should review the issue of establishing MAC boundaries with logical and contiguous boundaries without leaving enclave areas and with representation of both sides. He noted it would ultimately be up to the people to determine whether to proceed or not, but a county commissioner of an impacted area should have the right to determine whether it was in the best interest of his/her county commission district. He stated that, he believed, there should be a logical mechanism to provide a county commissioner with the opportunity to review the overall policy recommendations of this Task Force in some type of logical process.

Mayor Marono stated that all thirteen (13) county commissioners were elected to serve Miami-Dade County as a whole. He noted this Task Force's biggest task was to review what would happen to UMSA if annexations and incorporations were to happen; therefore, the issues needed to be reviewed on a countywide basis. He reminded the Task Force members that they had already voted to recommend to the Board of County Commissioners that any county commissioner or the mayor could create a MAC if the county commissioner of an area did not wish to create a MAC.

Chairman Pizzi clarified Mayor Marono's comments.

Following a brief discussion among the Task Force members regarding the Task Force's recommendation regarding not allowing a county commissioner to prevent the creation of a MAC and to eliminate a county commissioner's ability to veto the creation of a MAC,

Commissioner Zapata commented it was important for the county commissioner, whose county commission district was impacted by the creation of a MAC, to have a voice in the process.

Mr. Bierman stated it was important to state as a general policy recommendation that this Task Force opposed any type of ordinance or scheme providing a county commissioner or any other commissioner the legal ability to veto an annexation or an incorporation petition, and that all thirteen (13) county commissioners should be provided with an equal vote on this. He noted that he had seen several ordinances which attempted to do that.

Chairman Pizzi asked Mayor Marono if he wished to accept Mr. Bierman's friendly amendment to include in his motion that there should be no ordinance or resolution enacted to provide a single county commissioner the ability to veto an annexation or incorporation petition.

Mayor Marono accepted the friendly amendment provided by Mr. Bierman.

Commissioner Zapata suggested it should also allow for representation.

Pursuant to Ms. De La Camara's request that the term contiguous be defined, Chairman Pizzi asked the County Attorney's Office whether the Code defined the term contiguous and natural boundaries.

Assistant County Attorney Collier advised that there was nothing in the Code defining the term contiguous, but the Code defined the term enclave.

Pursuant to Ms. De La Camara's question regarding the definition of enclave, Assistant County Attorney Collier stated the Code defined an enclave as 80 percent surrounded by a municipality.

Ms. De La Camara suggested that, she believed, the motion's language was logical, contiguous, and natural; and logical and natural were highly subjective terms but contiguous was not.

Discussion ensued among the Task Force members regarding the meaning of contiguous areas.

Chairman Pizzi stated that the motion on the floor was: "that the boundaries would be done on a case by case basis."

Mayor Marono clarified that the motion included Mayor Gimenez's recommendation stating: "that the County Code does not require annexing municipalities to request boundaries that were logical and contiguous. The Task Force should consider criteria for boundaries that were contiguous, logical, and compact. This would ensure that remaining UMSA areas would be provided efficient and effective services, except for annexations where there was no contiguity or natural boundaries could be addressed on a case by case basis." He stated that the word "incorporations" should be added to the Mayor's recommendation. He noted the City of Sweetwater would have been unable to annex the Dolphin Mall if the terms contiguity and natural boundaries had been properly defined.

Pursuant to Ms. Cates' question, Chairman Pizzi stated the word adjacent would always be contiguous. He stated the municipality annexing had to have some continuity to the area being

annexed and had to be contiguous in some manner, but the Task Force's intent was to recommend that it be interpreted on a case by case basis only.

Ms. Cates suggested that more specific language be included to say that natural boundaries such as highways, turnpikes, canals, and section line roads be utilized in drawing a new city's boundaries where feasible.

In response to Ms. Cates' question regarding whether the language she added was too specific, Mayor Marono expressed his disagreement with her suggestion since it would prevent many possible annexations and incorporations.

Pursuant to Chairman Pizzi's inquiry as to whether Mayor Marono wished to make two separate recommendations, the Task Force members agreed that it was two different issues and should be separated.

Commissioner Zapata clarified the motion was addressing the boundaries for annexations and incorporations, and the Task Force was recommending that those boundaries be contiguous, logical, and compact.

Mayor Marono confirmed Commissioner Zapata's statement, and he further clarified that the motion included a recommendation that the boundaries could be addressed on a case by case basis where there was no contiguity or natural boundaries.

Commissioner Zapata suggested that the motion should include language to encourage natural boundaries as guidelines with exceptions.

Commissioner Zapata offered to amend the motion to include that the boundaries for annexations and incorporations should seek natural boundaries and that there be exceptions to address issues on a case by case basis.

Pursuant to Chairman Pizzi's inquiry, Mayor Marono accepted Commissioner Zapata's amendment; and he stated that he wished to add that no commissioner should have the authority to veto any annexation or incorporation.

Chairman Pizzi stated the Task Force would take a separate vote for that issue.

Mr. Friedman stated that the recommendation should include that enclaves not be left behind.

Mayor Marono stated that they could add that no enclaves be left behind.

Mr. Manrique commented on an issue previously mentioned by Redland residents in regards to the Census tracts, and he stated that he wished to ensure that this motion would not violate any federal Census track figures and annexations were part of continuous areas.

Chairman Pizzi commented on a hypothetical case whereby a municipality was divided into two county commission districts and one of the commissioners representing the municipality tried to block an incorporation effort.

Mr. Manrique offered a friendly amendment to add language to include in the Task Force's recommendation to the Board of County Commissioners that a requirement to take into consideration the Census tracts should be established and that the Census tracts should not be divided.

Commissioner Zapata noted that the intent of the Task Force's recommendation was to provide the County Commission with guidance and tools; consequently, the motion should say that the boundaries should be contiguous, logical, compact, and encourage natural boundaries. He also noted that the Task Force should discourage the splitting of zip codes. He commented that the recommendation should provide flexibility to the County Commission; but as a general policy, *the Task Force should encourage the retention of zip codes together.*

Vice Chairman Forbes stated it was not so much the tracts and zip codes, *and he suggested that the Task Force should recommend Census-designated places not be divided.*

Commissioner Zapata suggested that proposed city boundaries should not be drawn based on county commission districts' Census data.

Chairman Pizzi asked that the Budget Director prepare a report outlining all of the motions including amendments made at today's meeting (06/19) and that the report be provided to Mayor Marono for review between today and next Wednesday, June 26, 2013, in order to allow Mayor Marono to read into the record at the Task Force's next scheduled meeting (06/29) his motion incorporating all of the amendments. He clarified there would be two motion, noting the second motion would be on the veto portion of the motion.

Ms. Cates proposed to amend the motion to include language stating that an enclave should not be created.

Mayor Marono and the remaining Task Force members agreed with Ms. Cates amendment.

Chairman Pizzi clarified that, at the next scheduled meeting, the meeting would be opened with Mayor Marono's motion on the boundaries followed by a second motion, which Mayor Marono would make, on the veto power on annexations and incorporations of an individual county commissioner. He clarified the Task Force members would vote on the motions separately.

Motion Number 5 – Relating to veto power:

It was moved by Mr. Bierman the Task Force should include in its recommendation to the Board of County Commissioners that the County Commission should adopt a policy prohibiting a single county commissioner from vetoing an annexation or incorporation application. This motion was seconded by Mayor Marono; and upon being put to a vote, the motion passed by a vote of 9-3 (Messrs. Diaz-Padron and Manrique and Ms. Lamb voted no). (Mr. Feldman was absent)

Chairman Pizzi commented that all of the Task Force's preliminary recommendations should be completed by June 27th. He asked that all Task Force members attend next week's meeting prepared to propose their recommendations.

Chairman Pizzi asked whether the Task Force should hold additional public hearings to present the Task Force's proposed recommendations prior to finalizing its recommendations.

Ms. De La Camara expressed her disagreement to hold any additional public hearings.

Vice Chairman Forbes advised that the Task Force should consider Ms. Lamb's proposal at the next scheduled meeting (06/26), which was distributed approximately thirteen (13) weeks; and the proposal should be voted up or down.

Chairman Pizzi noted Mayor Marono's motion would be the first item to be considered at the Task Force's next scheduled meeting (06/26) followed by Ms. Lamb's proposal. He asked Ms. Lamb to be prepared to present and explain her proposal.

Commissioner Zapata asked that the Task Force members be provided with a copy of the report outlining all of the Task Force's preliminary recommendations before the next scheduled meeting (06/26) including a copy of both proposals.

Chairman Pizzi asked the Budget Director that she send him an email outlining the Task Force's recommendations, and he would disseminate that report to other members of the Task Force after reviewing the contents.

Ms. De La Camara announced she would be unable to attend next week's meeting, and she voiced her support for Mayor Marono's motion.

Mr. Friedman noted he would echo her comments at the next scheduled meeting, and he would also like to introduce a proposal or present an outline on how the remaining unincorporated areas could possibly be addressed.

Mr. Manrique suggested that the Task Force should postpone its next scheduled meeting to allow the Task Force members sufficient time to review all of the recommendations and also to allow County staff sufficient time to prepare the report.

Following a brief discussion among the Task Force members regarding whether the next meeting should be postponed, Chairman Pizzi commented that he disagreed with the postponement of the meeting because it was scheduled for mid-July; and he did not wish to delay the process for that long.

Discussion ensued among County staff and Task Force members regarding their availability for next Thursday (06/28) or Friday (06/29) to schedule the meeting on one of those dates.

Upon conclusion of the foregoing discussion, the Task Force members proceeded to consider approval of the minutes.

OTHER BUSINESS, UPDATES, AND REPORTS

None presented

NEXT MEETING:

- June 26, 2013, 9:00 a.m., Stephen P. Clark Center, Room 18-3

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.

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