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

July 10, 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
JULY 10, 2013

The Miami-Dade Annexation and Incorporation Task Force (the Task Force) convened on July 10, 2013, at the Stephen P. Clark Center, 111 N.W. First Street, 18th Floor, Room 18-3, Miami, Florida, at 9:00 a.m. Present were: Chairman Michael Pizzi, Vice Chairman Kenneth Forbes, Mr. Steven Alexander, Mr. Mitchell Bierman, Ms. Anne Cates, Ms. Rosa M. De La Camara, Mr. Lenny P. Feldman, Mr. Richard Friedman, Ms. Deborah Skill Lamb, Mr. Carlos Manrique, and Miami-Dade County Commissioner Juan Zapata (Mr. Carlos Diaz-Padron was late and City of Sweetwater Mayor Manuel L. Marono was absent).

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 9:15 a.m.

TASK FORCE DISCUSSION

Chairman Pizzi asked if all Task Force members were provided with a copy of the report outlining the 12 recommendations previously made, and the Task Force would review all of the recommendations and take a final vote prior to adjourning today's meeting.

Pursuant to Chairman Pizzi's question regarding whether Mr. Friedman wished to make his presentation, Mr. Friedman deferred the presentation until the next scheduled meeting of the Task Force due to its length.

Chairman Pizzi stated that Section 6.04(b) of the Miami-Dade Charter (the Charter), entitled "Changes in Municipal Boundaries," which pertained to annexations and stipulated that: "the Board of County Commissioners after obtaining the approval of the municipal governing bodies concerned …;" and he asked Assistant County Craig Coller to explain the effect of that section.

Assistant County Attorney Coller advised that the referenced provision required that any concerns regarding an annexation raised either by the annexing municipality or any other municipality be addressed and that concurrence be achieved; and in addition, the Miami-Dade Code (the Code) required that the Planning Advisory Board (PAB) address the concerns raised by a municipal body.

Chairman Pizzi stated that the Task Force had made two preliminary recommendations to eliminate the ability of a single county commissioner to unilaterally veto an application for a Municipal Advisory Committee (MAC). He questioned whether that provision of the Charter would allow a municipality to prevent another municipality from proceeding with an annexation simply by raising a concern and refusing to change its position.

Assistant County Attorney Coller confirmed that at face value this was the meaning of the Charter's provision. However, it was certainly within the purview of this Task Force to recommend a Charter amendment to modify Section 6.04(b) of the Charter.

Following a discussion among the Task Force members regarding the effect of Section 6.04(b) of the Charter, Assistant County Attorney Coller advised that the term "concern" had to have some substance and could not be frivolous. He explained that the courts would accept the ordinary definition of the term if a definition was not supplied, and the municipality raising the concern would have to demonstrate how it was affected by the annexation.

Chairman Pizzi said that, he believed, municipalities should be allowed to coordinate among themselves and adjacent municipalities should have the right to raise issues impacting their municipalities. However, as currently written, the Charter's provision was too ambiguous; and he recommended that the provision be changed either through a Charter amendment or the enactment of a Code provision to define the term "concern" more explicitly.

Assistant County Attorney Coller advised that the Charter provision specified the timing and provided that the County Commission may approve an annexation after obtaining the consent of the affected municipalities and receiving a recommendation from the PAB. Therefore, the municipalities had to raise their concerns prior to the enactment of an annexation ordinance by the Board. He advised that the best manner to clarify that provision was to amend the Charter although it could also be legislated by ordinance.

Mr. Friedman advised many possibilities were available with the scenario presented by Chairman Pizzi, and he presented another scenario within his community. He suggested that a mechanism be developed to measure the residents' interest when two cities had equal merits to annex an area based on economic reasons inasmuch as the voters would ultimately make the decision as to which city should annex the area.

Chairman Pizzi asked if the Task Force should consider strengthening, amending, or clarifying Section 6.04(b) of the Charter in order to prevent abuse.

Mr. Bierman stated that the concern raised by Chairman Pizzi should be addressed by ordinance or resolution rather than Charter amendment. He pointed out that one city's objection to another city's proposed annexation did not mean that the objection would carry because the County Commission had the discretion to approve an annexation over a city's objection.

Assistant County Attorney Coller noted he disagreed with Mr. Bierman's interpretation.

Following a brief discussion on Mr. Bierman's interpretation, Assistant County Attorney Coller explained that the Charter did not define the term "concern." However, the concern raised by a municipality had to be concrete; and it had to specifically impact the objecting municipality.

Following a discussion regarding whether an objecting municipality could overrule the entire County Commission, Assistant County Attorney Coller advised the County Commission could inform the objecting municipality that a specific "concern" was not demonstrated if it was determined by the Board that the objection was not valid due to the lack of an impact. He noted the key was whether the municipality was adjacent to the area being annexed; and it became more difficult to demonstrate the concern the further the objecting municipality was from the proposed annexation.

Mr. Bierman reiterated that the County Commission had the discretion to determine whether a municipal government had a valid objection.

Pursuant to Chairman Pizzi's inquiry, Mr. Bierman suggested that an ordinance should be enacted to define a valid "concern," due to the ambiguity of the term.

Mr. Alexander noted he concurred with Mr. Bierman; however, he pointed out that this issue was not included in the Mayor's memorandum. He said that he would like to know whether the Mayor's staff had discussed the issue and whether staff agreed with the points raised.

Ms. De La Camara noted, even though she preferred simplicity and disliked over-regulation, she agreed that the term was somewhat nebulous and not objective; and she would like for the terms "municipal governing body" and "concern" to be defined. She also pointed out that it was unclear what level of approval of the municipal governing body would be required and suggested that this be clarified.

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 enact legislation including a Charter amendment, if necessary, to provide definitions, establish criteria and a reasonable procedure for adjacent municipalities to raise their concerns with respect to a proposed annexation. This motion was seconded by Mr. Alexander, and the floor was opened for discussion.

Pursuant to Ms. Cates' concern relating to the issue of cherry-picking, Chairman Pizzi noted her concern was a separate issue, which would be addressed later in the meeting.

Mr. Feldman said he doubted it was necessary for the Task Force to recommend that the Board define all of the suggested terms, and he suggested the term "concern" be changed to "reasonable concern."

Discussion ensued among the Task Force members regarding the ambiguity of the terms.

Chairman Pizzi accepted Mr. Feldman's friendly amendment that the Board should consider adding the word "reasonable" before the term "concern."

Mr. Alexander pointed out that adding the word "reasonable" would require a Charter amendment; and he suggested that this be done through the enactment of an ordinance.

Chairman Pizzi noted that, if Mr. Bierman's interpretation was correct regarding the County Commission having discretion to determine whether a municipal government had a valid objection, it would still be possible for a court to rule in favor of the municipal government.

Upon conclusion of the foregoing discussion, ***the motion was put to a vote; and the motion as amended to add the word "reasonable" before the term "concern," passed by a vote of 10-1 (Ms. Lamb voted "no"). (Mayor Marono and Commissioner Zapata were absent)***

Chairman Pizzi resumed the Chair, and said that he was willing to entertain other recommendations.

Mr. Bierman suggested that the County develop a long-term and very comprehensive plan on how to eventually accomplish annexations and incorporations of the entire County if it was serious about incorporating. He stated that the best manner to achieve that goal, without imposing annexations and incorporations, was to conduct a very broad-based public opinion poll of all residents in unincorporated areas and possibly within neighboring municipalities to identify their preferences on annexation and incorporation because the number of persons speaking at public hearings represented a small fraction of the community and this was an inadequate form of measuring the community's sentiments. He noted the public opinion poll should have questions specific to the residents' areas, and it could be used to begin developing an annexation and incorporation map encompassing as many unincorporated areas as possible based on actual knowledge of the communities' preferences.

Motion Number 2:

It was moved by Mr. Bierman that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the Board should contract an expert firm to conduct a public opinion poll of all residents residing in unincorporated areas of Miami-Dade County and that poll questions be very specific questions pertaining to the unincorporated area being polled to identify the public's preferences on annexation and

incorporation. This motion was seconded by Ms. Lamb, and the floor was opened for discussion.

Mr. Manrique suggested that the polling take the form of a straw vote ballot to be conducted in conjunction with the November 2013 election.

Mr. Bierman noted he disagreed because it would be difficult to obtain specific information relating to the residents' area through ballot questions; and it would be necessary to conduct a public opinion poll to solicit real opinions to begin drawing a map. He suggested that the best polling firms in the nation be contracted to conduct the polling.

Mr. Friedman suggested that the County consider dividing the unincorporated municipal service areas (UMSA) into five or six logical geographical areas in which to conduct studies, and that an advisory panel should be created comprised of County staff, experts, and other professionals to develop an understanding of what was happening in UMSA. He said it would be impossible to properly address whether residents supported incorporation and annexation if they lacked an understanding of what becoming a city involved. He noted the predominant attitude of many people at this time was to be unsupportive if it involved raising taxes; however, they were not considering long-term effects and were unaware of the financial information the Task Force received from the County. He said that, he believed, taxes should be increased in order to prevent the County's ability to provide services from being seriously affected.

Mr. Friedman suggested that unincorporated areas be studied separately in order to develop recommendations based on the specific needs of each area, and the findings of each area studied should include recommendations addressing what could and could not be developed within each area. He noted it was not advisable to use a one size fits all approach for the entire County; and to initiate a plan, it would be necessary to determine the cost to develop each specific area, identify funding sources, establish priorities, and include a long-term plan to achieve sustainable goals.

Mr. Friedman said that, he believed, a public opinion poll at this point on annexations and incorporations would most likely collect negative opinions due to the association with taxes.

Mr. Alexander noted he agreed with Mr. Friedman's comments because people always focused on the cost and the benefit. He pointed out that a public opinion poll on annexations and incorporations would most likely result in negative opinions, and this would not provide much guidance to the County Commission. Therefore, the public should first be educated to help residents understand the process.

Ms. Lamb stated that the public was never provided with sufficient information, and she suggested that the County should publish pamphlets providing information on the annexation and incorporation processes and that a public opinion poll be conducted.

Ms. Lamb expressed agreement with the suggestion that the County should be studied by geographical areas, and she suggested that an interim elected body representing the people should oversee the studies.

Mr. Feldman expressed interest in Mr. Friedman's proposal and noted he appreciated Ms. Lamb's proposal; however, the process should be accomplished in two phases due to the pending applications. He said that residents had the right granted to them in a democratic system of government to vote on the pending applications; and at a later time, it would be necessary to determine how the remaining unincorporated areas wished to proceed once the process for the pending applications had been finalized. He noted that, based on his calculations, the pending applications represented almost half of the remaining unincorporated areas.

Ms. Lamb pointed out that the proposed recommendation to allow annexing cities to keep the franchise fees and utility taxes of the area being annexed would encourage annexations; and she believed that unincorporated areas should be studied as a group.

Ms. Cates pointed out that Mr. Bierman's motion failed to mention the timing of the public opinion poll; but if the motion recommended that the poll be conducted now, the polling survey would reflect the public objected to annexations and incorporations due to the public's apathetic attitude and obliviousness to the entire process. She noted conducting a polling survey at this time was premature if done prior to educating the public, and she believed Mr. Bierman was underestimating the intent of the MACs because the purpose of the MACs was to educate the public. She said the Task Force should allow the MACs to follow their course because the portion that would remain unincorporated would be very small if MACs succeeded.

Mr. Friedman said that, assuming the County was interested in allowing annexations and incorporations to proceed, the questions that should be asked were how should the County address unviable areas; whether the County should continue to provide services to those areas; and how should the County address the systemic problems of these areas. For this reason, he was recommending that the County be divided into different geographical areas and studied in order to identify the problems and that the issue be divided into components to facilitate analysis and public education.

Pursuant to Chairman Pizzi's request that Mr. Bierman rephrase his motion to allow the Task Force members to vote on it, Mr. Bierman explained that his recommendation was not intended to place on the ballot a yes or no type question on whether the voters wished to annex or incorporate; rather, the purpose of his recommendation was to provide an opportunity for detailed questions to be asked to the residents of a particular area in order to gather the public's opinion on very specific scenarios.

Motion Number 2 (Mr. Bierman's - Revised):

Pursuant to Chairman Pizzi's request, Mr. Bierman rephrased his motion to state that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the Board should conduct a public opinion polling with very specific questions to enable the County to ultimately draw a map; and he noted maybe the County should wait until the pending applications moved forward and were finalized before making a determination based on the remaining unincorporated areas.

Chairman Pizzi reiterated the motion and clarified that it recommended that the County conduct very specific detailed opinion polling in the remaining unincorporated areas.

Mr. Bierman added to the motion that it should be done in order to develop a comprehensive annexation and incorporation plan.

Ms. Lamb seconded the motion, and the floor was opened for discussion.

Ms. De La Camara stated that, even though theTask Force's deliberations had achieved very good recommendations, it failed to address the mandate of the resolution establishing the Task Force, which requested recommendations on how to address the remaining unincorporated areas and whether the County should only provide regional services.

Chairman Pizzi noted he agreed with Ms. De La Camara. He recalled that the Task Force members discussed at an earlier meeting whether a recommendation should be set forth to recommend full incorporation of remaining unincorporated areas and that the County should only provide regional services; but this motion failed. He said the Task Force could recommend that the Board's policy pertaining to annexations and incorporations remain unchanged; or that the pending proposed annexations and incorporations be allowed to proceed, or that a global policy be established for the remaining unincorporated areas.

Chairman Pizzi reiterated that the first option was to recommend that the pending applications not be delayed. He suggested the Task Force could recommend that people had the right to create a MAC or initiate an annexation, and that petitioners should be allowed to follow the current procedure under the Charter. He clarified that option two was intended for the Task Force to indicate that the County should establish a global policy to address the remaining unincorporated areas as the current process created enclaves with inadequate services. He reiterated that a motion was made in the past establishing a goal of full incorporation within a five-year period, and the motion failed. He stated that he would welcome any motion establishing global goals after the Task Force members voted on Mr. Bierman's motion.

Following a brief discussion regarding the recommendation on the table, Ms. De La Rosa reiterated that the motions made thus far addressed the process in a status quo environment, and that the Task Force should consider the global picture and make a global recommendation.

Pursuant to Chairman Pizzi's call for a vote for the motion on the table, ***Mr. Bierman asked the Chair to table the motion due to the objections raised by the Task Force members indicating that conducting a public opinion poll at this time would be a premature action. Consequently, the motion was tabled.***

Vice Chairman Forbes reiterated that he believed the Task Force should recommend to the Board that a global policy be adopted to incorporate the entire County. He expressed his agreement for the two ideas presented at today's meeting because he believed the County should be divided into five geographical areas, and a public opinion poll could be conducted within those five geographical areas to help the County Commission draw boundaries and recommend annexations to existing cities.

Chairman Pizzi asked if any Task Force member wished to make a motion without establishing a timeframe recommending to the Board of County Commissioners that the County Commission should establish a policy to discontinue providing municipal services to unincorporated areas and that the County should focus on regional issues.

Motion Number 3:

It was moved by Mr. Alexander that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the County Commission should encourage the annexation and incorporation of all unincorporated areas. This motion was seconded by Chairman Pizzi, and the floor was opened for discussion.

Chairman Pizzi expounded on the motion, noting the Task Force was recommending to the County Commission that the County should stop providing municipal services, encourage the annexation and incorporation of remaining unincorporated areas, and focus on regional countywide issues.

Mr. Diaz-Padron said it was impossible to address this complex issue in one motion because of the manner in which government worked. He stated that the appropriate approach was to ensure that MACs were created without enclave areas while giving everyone the right to participate. He stressed the importance for the County Commission to establish the policy of allowing MACs to move forward in a slow and deliberate process after the completion of studies to ensure enclaves were not created.

Commissioner Zapata expressed his concurrence with the motion, noting it provided a path for the County to follow. He suggested that the Task Force provide the Board with several options,

including the option that the County should continue to follow the current process. He noted he would recommend that the County discontinue the one size fits all approach.

Commissioner Zapata stated that he agreed with Ms. Lamb's idea of creating a Special Taxing District because it would benefit certain areas of the County; likewise, he said he agreed with Mr. Friedman's approach to use community council boundaries as a solution for certain sections of the County. He said that the County's overall goal should be to stop providing municipal services to unincorporated areas; but there was a mechanism already in place to accomplish this, which was to create MACs and move forward. He suggested that creative ideas be incorporated into the Task Force's recommendations in order to broaden the County Commission's perspective, independent of this motion. He noted he believed that this motion represented a message that should be sent to the population as a whole.

Commissioner Zapata reiterated that, based on his experience as a state legislator and County commissioner representing 100 percent unincorporated areas, the County Commission was doing a disservice to residents in the community as long as the distraction called UMSA was allowed to exist; and UMSA should be eliminated in order to have an effective regional government.

Ms. De La Camara expressed her concurrence with the motion, but said that it should be clarified to recommend that the County should exclusively provide regional services and should be encouraged to move ahead with a plan to fully incorporate all unincorporated areas. She suggested that the County Commission be provided with guidelines on how to address the financial impact, delegation of County operations and services, and how to avoid creating enclaves. She said she believed that forwarding a motion outlining a broad policy did not serve the needs of the County.

Mr. Diaz-Padron pointed out that enclave areas would be nonexistent if the County were to fully incorporate all unincorporated areas.

Ms. Lamb noted it appeared that a majority of the Task Force members wished to recommend that all of Miami-Dade County be incorporated, that the County stop providing local services, and that the County should concentrate on providing regional services; however, many areas in the County did not wish to create an additional layer of government and incur the associated expenses. She said this was the reason for her proposal to use community councils because it would be the least expensive manner in which to address the problem; and she noted she believed community councils should be provided with more authority at the local level since no one wished to make a political decision concerning unincorporated Miami-Dade.

Mr. Alexander commented on the status of the incorporation effort of Broward County, noting 20 years later Broward had not completed the process even though it was a smaller county. Therefore, a complete incorporation of all unincorporated areas would be a long-term effort; and the recommendation was simply encouraging the County to begin moving towards that goal. He

noted the incorporation process was a long-term process that would require the political involvement of all affected parties. He pointed out that the Task Force would be unable to determine what would happen to small remaining unincorporated areas until those areas were identified, and the County would be better able to identify those areas at the end of the entire process.

Mr. Feldman noted that, even though he appreciated the idea of community councils, it seemed that, potentially, another layer of government would be created. Consequently, the challenge was that there would always be two layers of government, the County and municipalities; and many areas and county commissioners were already constantly working with two layers of government.

Following a brief discussion regarding whether community councils should be used in the annexation and incorporation processes, Commissioner Zapata recommended that, whenever the question of incorporation was placed on the ballot to create a new municipality, the electorate of an affected area be asked in a separate ballot question whether elected officials should be financially compensated and receive benefits.

Mr. Friedman pointed out that community councils only worked on local zoning issues; but when holding non-zoning meetings, council members would only set forth resolutions for the consideration of the commissioner of the district. He noted community council members did not have the authority to craft legislation, and they only had an advisory role and addressed the concerns of local constituents. He said he believed that the Task Force should make a generic recommendation setting the direction the County should take with regard to annexations and incorporations.

Mr. Friedman noted he believed that his proposal was misconstrued since it would not establish any type of municipalities nor address what should be done with municipalities. He clarified that his proposal involved analyzing the regions to determine what could be done to improve disadvantaged areas to make them more attractive for annexation or incorporation because the County had neglected certain areas. He stated it would be difficult to make determinations without having a road map or plan as guidance for everyone to use; and unless this was done, certain areas would never be annexed or incorporated due to economic reasons.

Chairman Pizzi clarified that the motion would set forth a recommendation to the Board of County Commissioners that the County Commission should establish a goal to incorporate all unincorporated areas and should focus on more important regional issues.

Upon conclusion of the foregoing discussion, ***the motion was put to a vote; and the motion passed by a vote of 9-3 (Ms. De La Camara, Mr. Diaz-Padron, and Ms. Lamb voted "no"). (Mayor Marono was absent)***

Chairman Pizzi acknowledged Chairwoman Sosa's presence at the meeting and welcomed her to speak.

Chairwoman Sosa thanked all Task Force members for volunteering their time and serving in the Task Force for the benefit of Miami-Dade County.

Chairman Pizzi thanked Chairwoman Sosa for honoring them with her presence.

Motion Number 4:

It was moved by Commissioner Zapata that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that, whenever the question of incorporation was placed on the ballot to create a new municipality, the electorate of an affected area should be asked in a separate ballot question whether elected officials should be financially compensated and the specific benefits to be provided. This motion was seconded by Chairman Pizzi, and the floor was opened for discussion.

Chairman Pizzi said that the problem with that recommendation was that members of the County Commission had an annual financial compensation of $6,000 for life; and based on past experience, it would be difficult to have the electorate approve salaries for public officials.

Commissioner Zapata suggested that the only question the electorate should be asked separately on the ballot was whether elected officials were entitled to pension benefits because the public had the perception that people ran for office in order to receive a pension.

Chairman Pizzi said that the first step should be to hold an election to determine whether the area should be incorporated to be followed by the enactment of a Charter.

Ms. Lamb clarified that, currently, it was all done in one vote.

Ms. De La Camara noted she believed that the foregoing recommendation exceeded the scope of the Task Force's authority.

Chairman Pizzi explained that the Task Force's scope of work could be individually interpreted differently; and if any of the Task Force members disagreed with the foregoing motion, they could vote no.

Assistant County Attorney Coller explained the effect of the recently enacted Charter amendment, which created Plan B. He noted Plan A had always existed, and Plan B was a new provision. He stated that all of the MACs currently moving forward were created under Plan A of the Charter, as implemented through the Code amendments. He noted Plan A's provisions required that two elections be held. He explained that the first election was to approve the

proposed incorporation, and the second election was to approve the proposed Charter. He noted within the last 20 years all of the municipalities had been incorporated with two elections.

Assistant County Attorney Coller advised that no incorporation proposals had been approved under the newly-created Plan B, which was a separate process providing that approval of the proposed incorporation and proposed charter be done with a single vote.

Motion Number 4 (Commissioner Zapata's – Revised):

Chairman Pizzi clarified that Commissioner Zapata's motion recommended to the Board of County Commissioners that a separate ballot question be placed on the ballot to ask the electorate whether or not elected officials should receive pension benefits after an incorporation proposal was approved either under Plans A or B.

Chairman Pizzi seconded the motion, and opened the floor for discussion.

Ms. Lamb stated the language was inadequate due to the different fringe benefits.

Ms. De La Camara noted she concurred with Ms. Lamb's comments.

Commissioner Zapata said he objected to recommending that elected officials be paid certain fringe benefits.

Mr. Diaz-Padron suggested that this issue be determined by the individual municipality after its incorporation.

Ms. Lamb suggested that the elected officials' financial compensation be limited to the cost of living or to the Consumer Price Index (CPI).

Commissioner Zapata suggested that the financial compensation package be determined at the local level by the municipality after it was created, and it should be the responsibility of the elected officials of the newly created municipality to convince their electorate what should be the appropriate compensation package. He noted he did not wish to discourage the incorporation debate over the issue of whether elected officials should receive pension benefits.

Mr. Diaz-Padron expressed his agreement with Commissioner Zapata.

Commissioner Zapata suggested that the issue of compensation for elected officials be excluded from the charter of the newly created municipality; and once the city was created, the municipality would have to return before the electorate to vote on the question of compensation benefits.

Discussion ensued among the Task Force members on the optimal time to ask the electorate to vote on the question of compensation benefits.

Mr. Bierman noted he agreed with Commissioner Zapata's suggestion but any unresolved issues might prevent approval of the incorporation. He stated that, in order to avoid compensation benefits related issues from being used as campaign issues that might derail an incorporation, the question should be asked in the same ballot as the incorporation question. He suggested, for example, that the language used in the ballot question indicate that the charter would provide that compensation would be limited to $6,000 a year with no pension.

Assistant County Attorney Coller explained the process under Plan A, noting the electorate was first asked to determine whether the area should be incorporated. He noted a straw ballot question could be added to that question to ask whether the mayor and commissioners should be compensated; but typically, Part II of the Charter addressed the question of compensation and provided the specific compensation. He provided examples of the charter provision relating to compensation, noting the charter could remain silent on that issue and compensation could be established by ordinance once the city was created.

Following a discussion among the Task Force members and Assistant County Attorney Coller regarding the process of incorporation and the process after the electorate approved an incorporation, Ms. De La Camara suggested that the ballot question asking the electorate to approve an incorporation should include a clause indicating: "that the council members and the mayor shall receive no compensation until and unless approved subsequently by the electorate."

Chairman Pizzi explained that Ms. De La Camara's suggestion could have the effect of blocking the ability of elected officials to receive any type of compensation. He also explained that some cities had established compensation for their council members and elected officials in 1932 at five cents a year, and it was political suicide to attempt to increase compensation by a penny. At the other hand of the spectrum, he stated, some cities outside of Miami-Dade County had given their council members and elected officials lucrative salaries and pension. He noted it was difficult to establish a balance and control the abuse without making it impossible to provide any type of compensation.

In response to Chairman Pizzi's question regarding whether the motion only addressed the pension issue or all types of compensation, Commissioner Zapata indicated that it mostly addressed the pension related issue; but the compensation was also important. He suggested that the Task Force should probably set forth two separate recommendations, and one of the recommendations should recommend that the base compensation for any elected official in any municipality should be set at $6,000 annually and any amount beyond that recommendation should be approved by the electorate.

Mr. Diaz-Padron suggested that reference to the dollar amount be changed to indicate that the base compensation for any elected official in any municipality should be "no more than the annual compensation amount received by a county commissioner."

Commissioner Zapata stated that an annual compensation of $6,000 was fair.

Chairman Pizzi pointed out that the annual $6,000 compensation might be unfair if a municipality's charter was created as a strong mayor form of government wherein the mayor served as city manager.

Commissioner Zapata suggested that those determinations should be made after the city was created. He suggested that the first step should be to incorporate the city and have the officials elected; and then, the issue of compensation should be discussed by the elected officials with the electorate of that municipality.

Motion Number 4 (Commissioner Zapata's – Revised):

Commissioner Zapata stated that his motion recommended to the Board that an incorporation approval under Plans A or B should include a provision that an annual salary compensation for elected officials above $6,000 should be approved by a separate referendum. This motion was seconded by Vice Chairman Forbes.

Pursuant to Ms. De La Camara's question, ***Chairman Pizzi clarified that the motion recommended that the Board should include in the same ballot asking the question of incorporation a separate ballot question to ask whether elected officials should receive pension benefits.***

The motion was put to a vote; and upon being put to a vote, the motion failed by a tie vote of 6-6 (Mr. Alexander, Ms. De La Camara, Mr. Diaz-Padron, Mr. Friedman, Mr. Manrique, and Ms. Lamb voted "no"). (Mayor Marono was absent)

Mr. Feldman suggested that the charter should address compensation issues.

Chairman Pizzi noted he believed that, in order to prevent abuse, no city council member should have the undisputed discretion to establish salaries and/or types of compensation.

Motion Number 5:

It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that every proposed municipal charter should include provisions addressing pension and salary when the charter ballot question was placed on the ballot for the electorate's approval. This motion was seconded by

Mr. Feldman; and upon being put to a vote, the motion passed by a vote of 11-1 (Mr. Diaz-Padron voted "no"). (Mayor Marono was absent)

<u>Motion Number 6:</u>

It was moved by Ms. Lamb that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that all proposed municipal charters should include provisions addressing the dissolution of a municipality by petition and empowering the County Commission to call an election to dissolve the city after the city council refused to call the election upon receipt of a petition.

The motion died for a lack of a second.

Chairman Pizzi announced that, at the Task Force's next scheduled meeting, Mr. Friedman's proposal would be considered first.

Chairman Pizzi suggested that the Task Force's recommendations set forth more specific recommendations on how to address the remaining unincorporated areas.

Vice Chairman Forbes recommended that one hour be allocated at the Task Force's next scheduled meeting to discuss all and/or any recommendations and that the last hour of the Task Force's meeting should be used to specifically vote and finalize the proposed recommendations.

Chairman Pizzi stated that the Task Force voted today to set forth a recommendation to establish a goal of full incorporation for the County and to have the County focus on regional issues. He asked that the Task Force members make additional recommendations on how the County should address the remaining unincorporated areas, not currently covered by a MAC or subject to an annexation.

Mr. Friedman distributed a copy of his proposal to County staff to distribute to the Task Force members.

Mr. Feldman stated that, after having discussed the issue of education with County staff, he would like to have that issue considered at the Task Force's next scheduled meeting in addition to two more specific recommendations.

Chairman Pizzi established the discussion order for the next scheduled meeting, and he announced that Mr. Friedman's proposal would be considered first followed by Mr. Feldman's proposal and any other motions proposed.

Following a discussion between Ms. Cates and Budget Director Moon regarding the Mayor's recommendation to allow unincorporated areas to exercise their right for self-determination once the process for the pending MACs was completed and a comprehensive plan for incorporations was developed, ***Ms. Cates asked Ms. Moon to provide her with a copy of the Broward ordinance mandating total incorporation of Broward County.***

ADJOURNMENT

There being no further business to come before the Miami-Dade Annexation and Incorporation Task Force, the meeting was adjourned at 11:01 a.m.

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