



**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 24, 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 24, 2013**

The Miami-Dade Annexation and Incorporation Task Force (the Task Force) convened on July 24, 2013, at the Stephen P. Clark Center, 111 N.W. First Street, 18th Floor, Room 18-3, Miami, Florida, at 9:00 a.m. There being present Chairman Michael Pizzi, Mr. Steven Alexander, Ms. Anne Cates, Ms. Rosa M. De La Camara, Mr. Lenny P. Feldman, Mr. Richard Friedman, Ms. Deborah Skill Lamb, and City of Sweetwater Mayor Manuel L. Marono (Mr. Carlos Diaz-Padron, Mr. Carlos Manrique, and Vice Chairman Kenneth Forbes were late). (Mr. Mitchell Bierman and Miami-Dade County Commissioner Juan Zapata were absent).

In addition to the members of the Task Force, the following staff members were also present: Assistant County Attorneys Craig Collier and Cynthia Johnson-Stacks, Mr. Jorge Fernandez, OMB Coordinator, Office of Management and Budget (OMB), and Deputy Clerk Flora Real.

CALL TO ORDER

Chairman Pizzi called the meeting to order at 9:09 a.m., noting it was the Task Force's last meeting to discuss proposed recommendations. He thanked all Task Force members, Vice Chairman Forbes, and everyone who had dedicated their services. He noted it was very difficult to reach consensus and develop cohesive recommendations when so many divergent views and sentiments from many different parts of the County were presented.

TASK FORCE DISCUSSION

Chairman Pizzi established the process regarding how proposed recommendations from the Task Force members would be considered at today's meeting, noting Mr. Feldman's recommendations would be considered first followed by a revote on the preliminary recommendations previously approved and consideration of additional proposed recommendations. He stated that County staff would then be directed to prepare a comprehensive report, in conjunction with the Task Force's Chair, summarizing the Task Force's work and all of the proposed recommendations.

Mr. Feldman congratulated the Task Force members for the progress accomplished and the recommendations developed. He stated that his final recommendation would provide closure to the process. He said that, based on the figures presented to the Task Force, he believed, approximately 1.1 million or 40 percent of the County's population resided in Unincorporated Municipal Service Areas (UMSA). He noted UMSA's population size would be reduced to approximately 15 or 20 percent of the County's population if pending MACs moved forward and incorporated, and he believed that once UMSA's population reached that level the County should make a decision on how to address the remaining unincorporated areas. He also stated that it

would be necessary to obtain the input of the residents of those areas regarding what should occur.

Mr. Feldman recommended that, once UMSA reached an approximate population size of 20 percent, the County should conduct a straw poll or survey of the residents in those areas to determine whether to incorporate or continue to manage those remaining unincorporated areas.

Chairman Pizzi recalled that Mr. Bierman proposed, at an earlier meeting, that the County should conduct a public opinion poll and comprehensive study of all unincorporated areas to determine their needs and the best course of action; and after debating the recommendation, the Task Force opted not to forward Mr. Bierman's recommendation.

Pursuant to Chairman Pizzi's inquiry, Mr. Feldman explained that his recommendation differed from Mr. Bierman's recommendation because it did not have the public information and outreach component; but it would allow the County to solicit the views of the remaining residents of UMSA.

Motion Number 1:

It was moved by Mr. Feldman that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the Board should conduct a straw ballot and/or survey of all unincorporated areas once the population size of the remaining Unincorporated Municipal Service Areas (UMSA) reached 20 percent or less of the County's population size to determine whether the residents wished to annex, incorporate, or for the County to continue managing their areas. This motion was seconded by Ms. De La Camara, and the floor was opened for discussion.

Mr. Friedman suggested that, if Mr. Feldman's proposal was adopted, it would be necessary to first establish the current population size of UMSA in order to determine at what point only 20 percent remained. He noted the reason he proposed a comprehensive study be done was to allow the residents of UMSA to understand how many people lived in unincorporated areas and what should be done to improve those areas in order to increase the possibilities of incorporation. He stated that, as long as UMSA's millage rates were so low, there was not much of an incentive for residents, who did not understand how government worked, to favor incorporations or annexations. He noted, if this recommendation was adopted, a comprehensive study would accomplish many of the desired results.

Mr. Friedman suggested that Mr. Feldman's motion recommend that additional efforts should be undertaken once 20 percent of the established threshold was reached and that additional efforts should also be made to encourage annexations or incorporations. He also suggested that the motion include enclave areas and recommend that an educational campaign be conducted.

Ms. De La Camara stated that the recommendations made in the motion correlated with Recommendations #16 and #17 previously approved at earlier meetings. She noted Recommendation #16 said that the proposal shall be in place within three years, and the second part of the recommendation indicated that feedback should be gathered from the residents. She also pointed out that Recommendation # said that a comprehensive accounting of unincorporated areas should be done within 60 days, and Mr. Feldman's recommendation would add that an additional trigger should occur whenever the 20 percent target was reached.

Mr. Feldman agreed with Ms. De La Rosa's arguments. He said the Task Force should recommend that, once UMSA's population size had reached a certain size, the County should inform the residents that it had conducted the study and was soliciting their input as to what should be done with the remaining areas. He clarified that this should happen once 20 percent of the residents of the entire County remained in UMSA because it would be impossible for the County to efficiently and effectively deliver services in those areas once UMSA's population size was reduced to that size.

Following a brief discussion between Mr. Alexander and Mr. Feldman regarding UMSA's population size and when would be the appropriate time to conduct the public opinion poll, Mr. Alexander recommended that several triggers be established.

Mr. Feldman agreed with Mr. Alexander's recommendation.

Pursuant to Ms. Lamb's question regarding the rationale for not conducting the public opinion poll of the entire UMSA, Mr. Feldman explained that approximately 60 percent of UMSA was currently under an incorporation or annexation process. Therefore, those areas already had a mechanism in place to hold discussions and communicate.

Ms. Lamb stated the survey conducted for the Kendall area was done after the MAC process was well underway, and the results indicated a vote of three to one against incorporation. Therefore, the surveys should be done in all of these areas after a public education campaign was conducted.

Mr. Feldman indicated that the intent of his proposal was to address the remaining unincorporated areas; but if each individual MAC wished to conduct its own survey of the area, he believed that it would be appropriate.

Ms. Lamb commented on the countywide services provided by the County, and she implied residents would not be deprived of any services by not incorporating. She stated that many residents were disinterested in obtaining any additional services and wished to be left alone.

Mr. Feldman pointed out that this was the reason why education was critical as an initial step, and the reason why the County needed to obtain feedback from each individual area when MACs were created followed by feedback from the remaining unincorporated areas.

Chairman Pizzi stated that the motion on the table was to conduct a straw poll when UMSA's population size reached 20 percent of residents.

Mr. Feldman clarified that he was referring to the 20 percent left of UMSA at the date that this recommendation was accepted.

Following a brief discussion among the Task Force members on the intent of Mr. Feldman's recommendation regarding UMSA's population size, ***the motion was put to a vote; and the motion passed by a vote of 7-1 (Ms. Lamb voted "no"). (Messrs. Bierman, Diaz-Padron, and Manrique, Commissioner Zapata, and Vice Chairman Forbes were absent).***

Chairman Pizzi requested that the record reflect Vice Chairman Forbes as absent due to his absence during the discussion for the foregoing motion.

Upon conclusion of the foregoing discussion, Chairman Pizzi proceeded to consider the recommendations approved at earlier meetings of the Task Force.

VOTE ON RECOMMENDATIONS 1-19

Chairman Pizzi stated that the Task Force had a total of 20 very comprehensive recommendations, which the members vetted extensively after hearing from the public. He suggested that the total number of proposed recommendations be kept to a minimum to avoid diluting the comprehensive approach and maintain the effectiveness of the Task Force's accomplishments at its last meeting. Therefore, he suggested that the Task Force adopt the 19 preliminary recommendations listed in the agenda package and include the recommendation made at today's meeting by Mr. Feldman, which was approved as Preliminary Recommendation #20.

Pursuant to Mr. Fernandez's request, ***Chairman Pizzi clarified that Preliminary Recommendation #16 was amended to include Mr. Feldman's recommendation as item "f" as indicated in the record and approved with one dissent.***

Motion Number 2:

It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force approve the 19 preliminary recommendations as previously approved and listed in the agenda package, including Recommendation #16 as amended by Mr. Feldman at today's meeting, as the Task Force's final recommendations to be set forth to the Board of County

Commissioners, and authorize and direct the Chair to work with the Office of Management and Budget staff to prepare the comprehensive final report summarizing the Task Force's work since its inception and including with no modifications all of the recommendations made by the Task Force in the agenda today. This motion was seconded by Mr. Alexander, and the floor was opened for discussion.

Mr. Alexander noted the motion should indicate that the recommendations were previously approved.

Chairman Pizzi stated that, even though he disagreed with some of the recommendations, in fairness to the members of the Task Force, respect should be shown for the opinions of others when voting on the foregoing proposed recommendations. He noted anyone who believed that each recommendation should be revisited and voted on individually could vote "no" on his motion, and another motion would be made. However, he expressed his wish not to revisit each recommendation individually.

Mayor Marono asked for clarification on Recommendation #3 where it said that, "the County Code should be amended so that any newly annexed areas ..." He inquired if it only applied to newly annexed areas or if it included areas annexed perhaps three years ago.

Chairman Pizzi clarified that it was applicable to any annexed area.

Amendment Number 1:

Chairman Pizzi stated that Mayor Marono's suggestion was a friendly amendment to his motion to delete the word "newly" from Recommendation #3 and clarify that it was applicable to any annexed area.

Mr. Alexander seconded the amendment.

Mr. Feldman noted that change seemed consistent with the Mayor's recommendations.

Ms. Lamb stated that she wished to change her vote for Recommendations #2 and #8 because the record reflected that those recommendations passed unanimously, and she had attended every meeting. Therefore, she noted she wished for her vote to be reflected as a "no" for Recommendations #2 and #8.

Chairman Pizzi asked that the record reflect that Ms. Lamb voted "no" for Recommendations #2 and #8.

Ms. Cates asked and Assistant County Attorney Collier confirmed that the Charter provided 180 days to gather petitions for the MACs and the Code provided 90 days.

Pursuant to Ms. Cates' question as to whether the Task Force members wished to make the Charter and Code provisions consistent, Assistant County Attorney Collier advised that the Code provided 90 days to collect signatures; and while the Charter provided 180 days for petitions, the new amendments were silent on MACs.

Motion Number 3:

It was moved by Ms. Cates that the Miami-Dade Annexation and Incorporation Task Force recommend to the Board of County Commissioners that the Miami-Dade Code should be amended to be consistent with the Charter and provide 180 days to collect petition signatures. This motion was seconded by Mr. Alexander, and the floor was opened for discussion.

Discussion ensued among the Task Force members and Assistant County Attorney Collier regarding whether the Code should be amended to be consistent with the Charter and provide 180 days to gather petitions for the MACs; the Code and Charter provisions for incorporations; and the available options.

Chairman Pizzi noted Ms. Cates' motion would amend his motion to include in Recommendation #20 that the MAC process should be consistent and that a period of six months should be provided to collect petition signatures for Plans A and B.

Pursuant to Mr. Feldman's question regarding whether the provisions of the Code and Charter were inconsistent for Plans A and B regarding the requirement to notarize each petition, Assistant County Attorney Collier explained that Plan A did not include the notary process, whereas Plan B did.

Discussion ensued among the Task Force members regarding the petition signature requirement and some of the history in connection with the changes made to that requirement.

Mr. Alexander seconded Ms. Cates motion.

Pursuant to Ms. De La Camara's request to be provided with an explanation of the changes to the petition signature requirement, Assistant County Attorney Collier provided an overview explaining the complete history of the changes of that requirement.

Following a discussion among the Task Force members and Assistant County Attorney Collier regarding the provisions contained in the Charter for Plans A and B, Mr. Manrique asked how

Plans A and B interrelated with the Task Force's Recommendation #11 relating to the petition process for MACs.

Mr. Feldman clarified that he made Recommendation #11, and it only recommended that the Board should consider waiving the petition process for areas already in the MAC process.

Chairman Pizzi and Mr. Diaz-Padron suggested that it should be done on a case by case basis.

Vice Chairman Forbes noted his understanding was that the Task Force was discussing the process for MACs which had sunset.

Following a discussion among the Task Force members regarding the process for MACs and Recommendation #11, Assistant County Attorney Collier recommended that the language be changed to say "previously formed MACs that had sunset."

Mr. Feldman agreed with Assistant County Attorney Collier's suggestion.

Mr. Manrique said he believed that this recommendation was not necessary because it was out of the Task Force's scope of work; however, it could be included in the introduction to the Task Force's report.

Discussion ensued among the Task Force members regarding how to best present the Task Force's recommendations to the County Commission, and how the Task Force's final report should be drafted.

Chairman Pizzi indicated that he spoke with staff about the best way to present the Task Force's recommendations to the County Commission to ensure that the commissioners fully grasped the intent of the recommendations. He noted it was agreed that County staff would prepare a comprehensive report, in conjunction with the Chair describing the process followed by the Task Force members, and explaining the context of the recommendations.

Motion Number 4:

It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force adopt Recommendations #1-19 contained in the agenda package as the final recommendations of the Task Force; that the vote taken by the Task Force members to approve each recommendation be reflected; that Recommendation #3 be amended to delete the word "newly" from the first sentence; that Mr. Feldman's suggestion relating to conducting a survey be incorporated in Recommendation #16; that Ms. Lamb's vote for Recommendations #2 and #8 be reflected as a "NO" vote; and that the Office of Management and Budget staff be directed to meet with the Chair to prepare a comprehensive report which required the approval

of the majority of the Task Force members at a final meeting once it was prepared. This motion was seconded by Mr. Alexander, and the floor was opened for discussion.

Mr. Manrique pointed out that Ms. Cates' motion relating to the petition process was omitted.

Chairman Pizzi amended his motion to include Ms. Cates' motion to make both processes, Plans A and B, consistent.

Chairman Pizzi withdrew his motion pursuant to Ms. De La Camara's comments expressing her disagreement with Ms. Cates' motion.

Chairman Pizzi asked for a second to Ms. Cates' motion.

Mr. Alexander indicated that he had already seconded the motion.

Vote for Motion Number 3 – Ms. Cates' Motion:

Chairman Pizzi put Ms. Cates' motion to a vote, and the motion passed by a vote of 9-2 as Recommendation #20 (Ms. De La Camara and Ms. Lamb voted "no"). (Mr. Bierman and Commissioner Zapata were absent).

Motion Number 5 - FINAL MOTION:

It was moved by Chairman Pizzi that the Miami-Dade Annexation and Incorporation Task Force adopt and approve Recommendations #1-20, as modified on the record and including Ms. Cates' motion, as the Task Force's final recommendations; that the Office of Management and Budget staff be directed to meet with the Chair and prepare in conjunction with the Chair a comprehensive report reflecting the recommendations and the votes taken on each recommendation at the time of approval; and that a final meeting of the Task Force be convened to vote on the final report. This motion was seconded by Ms. De La Camara; and upon being put to a vote, the motion was passed by a vote of 10-1 (Ms. Lamb voted "no"). (Mr. Bierman and Commissioner Zapata were absent).

Ms. De La Camara requested that the final report be distributed to the Task Force members three to four days prior to the meeting for review.

Ms. Lamb suggested that the Task Force use Mr. Friedman's proposal as the Task Force's narrative or as part of the beginning of the comprehensive report.

Chairman Pizzi pointed out that the Task Force members had already voted on the final motion, and Ms. Lamb had indicated her dissidence.

NEXT MEETING

Chairman Pizzi announced that the final meeting of the Task Force would be held on September 11, 2013, at 9:00 a.m.

ADJOURNMENT

There being no further business to come before the Miami-Dade Annexation and Incorporation Task Force, the meeting was adjourned at 10:00 a.m.

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