


Memorandum



Date: September 17, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Jennifer Moon, Director 
Office of Management and Budget

Subject: Incorporation and Annexation Task Force Report

Pursuant to Resolution R-983-12, the Incorporation and Annexation Task Force was convened to review pending incorporation proposals and make recommendations on how the County should proceed to address the remainder of the unincorporated communities in Miami-Dade County. The attached report contains the final recommendations of the Task Force.

Attachment

c: Honorable Carlos A. Gimenez, Mayor
Robert A. Cuevas, Jr., County Attorney
Office of the Mayor Senior Staff
Charles Anderson, Commissioner Auditor
Jorge Fernandez, OMB Coordinator, Community Redevelopment and Municipal Services
Incorporation and Annexation Task Force Members

Jgm08413



Annexation and Incorporation Task Force

Report

September 11, 2013

2013 Annexation and Incorporation Task Force Members

Appointee:

Richard Friedman
Anne Cates
Steven Alexander
Lenny P. Feldman
Mitchell A. Bierman
Carlos Diaz-Padron
Rosa M. de la Camara
Deborah Skill Lamb
Kenneth Forbes, Chair
Carlos Manrique
Honorable Juan C. Zapata
Honorable Manuel L. Marono
*Honorable Michael Pizzi

Resignation on August 21, 2013

Appointing Commissioner:

District 1, Honorable Barbara J. Jordan
District 2, Honorable Jean Monestime
District 3, Honorable Audrey M. Edmonson
District 4, Honorable Sally A. Heyman
District 5, Honorable Bruno A. Barreiro
District 6, Honorable Rebeca Sosa
District 7, Honorable Xavier L. Suarez
District 8, Honorable Lynda Bell
District 9, Honorable Dennis C. Moss
District 10, Honorable Javier D. Souto
District 11, Honorable Juan C. Zapata
District 12, Honorable Jose “Pepe” Diaz
District 13, Honorable Esteban L. Bovo, Jr.

On November 12, 2012, the Miami-Dade County Board of County Commissioners (Board) approved Resolution No. R-983-12, creating an Annexation and Incorporation Task Force. The goal of the Task Force was to review pending incorporation proposals and make recommendations on how Miami-Dade County should proceed to address the remainder of the Unincorporated Municipal Service Area (UMSA).

The Task Force met on a weekly basis from April 3, 2013 to September 11, 2013. A total of seventeen (17) meetings were held, which included 6 public hearings throughout the County's diverse neighborhoods to allow greater public participation. The dates and locations of all meetings held were as follows:

Wednesday, April 3, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, April 17, 2013

6:00 p.m. (Public Hearing)
North Dade Regional Library
2455 NW 183rd Street
Miami Gardens, FL 33056

Wednesday, May 1, 2013

6:00 p.m. (Public Hearing)
West Dade Regional Library
9445 Coral Way
Miami, FL 33165

Wednesday, May 15, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, May 29, 2013

6:00 p.m. (Public Hearing)
Florida City Hall
404 West Palm Drive
Florida City, FL 33034

Wednesday, April 10, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, April 24, 2013

6:00 p.m. (Public Hearing)
South Dade Regional Library
10750 SW 211th Street
Cutler Bay, FL 33189

Wednesday, May 8, 2013

9:00 a.m.
History Miami
101 West Flagler Street
Miami, FL 33130

Wednesday, May 22, 2013

6:00 p.m. (Public Hearing)
West Kendall Regional Library
10201 Hammocks Boulevard
Suite 159
Miami, FL 33196

Wednesday, June 5, 2013

6:00 p.m. (Public Hearing)
North Miami Beach City Hall
17011 NE 19th Avenue
North Miami Beach, FL 33162

Wednesday, June 12, 2013

Stephen P. Clark Center
9:00 a.m.
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, June 26, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, July 17, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

September 11, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
CITT 10th Floor, Large Conference Room
Miami, FL 33128

Wednesday, June 19, 2013

Stephen P. Clark Center
9:00 a.m.
111 NW 1 Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, July 10, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, July 24, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

The Task Force considered and voted on 21 recommendations regarding the annexation and incorporation process. This report details the 21 recommendations, the background on the issue, and the results of the vote on each recommendation. Concluding remarks that follow in the appendix were provided by Task Force Members.

When developing recommendations the Task Force Utilized a report submitted by Mayor Carlos Gimenez on April 1, 2013 outlining his recommendations regarding Incorporation and Annexation policies (Attached). The following recommendations are presented for the Board to consider regarding municipal annexations and incorporations, following the outline of the April memorandum, as a starting point.

Recommendation 1

That the Miami-Dade County Code of Ordinances (Code) be amended allowing a Municipal Advisory Committee (MAC) to be sponsored by the Mayor or a majority of the County Commissioners should the Commissioner of the MAC area decline to sponsor the creation of the MAC.

Background: The County Code currently requires sponsorship of the County Commissioners whose district comprises the majority of the area proposed to be incorporated to create a MAC. This recommendation would allow an incorporation effort to move forward should the district commissioner not be willing to support it.

Motion Passed: 10-3

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Richard Friedman, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Kenneth Forbes, Carlos Manrique and Deborah Lamb

Recommendation 2

That the Code be amended to remove the PAB Incorporation and Annexation Committee review requirement.

Background: The Code requires that prior to the Planning Advisory Board (PAB) reviewing an annexation or incorporation request, the PAB Incorporation and Annexation Committee must

review the application and make a recommendation to the PAB. In order to simplify the process, this step can be eliminated and only require the PAB to review the request and make a recommendation directly to the Board.

Motion Passed: 13-0

Support: Steven Alexander, Mitchell Bierman, Ann Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: None

Recommendation 3

That the Code be amended so that any newly annexed areas receive the revenue from Utility Taxes and Franchise Fees of the area provided any outstanding debt secured by these revenues has been retired, reflecting the current process for incorporations.

Background: The Code allows the County to retain utility taxes and franchise fees for any annexed area. In 1989, the County entered into a thirty (30) year Agreement with Florida Power & Light requiring that the franchise area remain unchanged for the life of the agreement. Cities that have incorporated thereafter have an interlocal agreement with the County for the distribution of these revenues. This recommendation would allow for the annexing municipality to receive the revenue that is attributable to that area, in the same manner that the newly incorporated areas receive the revenue. This recommendation is consistent with the June 20, 2012 Miami-Dade County Charter Review Task Force Recommendation.

Motion Passed: 7-4

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Lenny Feldman, Mayor Manuel Marono and Mayor Michael Pizzi
Oppose: Kenneth Forbes, Richard Friedman, Deborah Lamb and Carlos Manrique
Absent: Carlos Diaz-Padron and Commissioner Juan Zapata

Recommendation 4

Allow annexations and incorporations outside the Urban Development Boundary (UDB). County should retain control of zoning and land use authority for areas outside the UDB, and movement of the UDB. In the event the UDB is moved, any land use and zoning change would require dual approval of the adjacent municipality and the County.

Background: Florida Statute 171.043 requires that for annexations, “part or all of the area to be annexed must be developed for urban purposes”. There is concern that areas outside of the UDB are environmentally sensitive and there is a need to protect those areas. Currently, there is no prohibition of annexation or incorporation outside the UDB. This would create a policy that allows for existing or new municipalities to incorporate areas outside the UDB. Additionally, the County would keep the authority to move the UDB and would retain control of zoning and land use in these areas.

Motion Passed: 7-2

Support: Mitchell Bierman, Lenny Feldman, Richard Friedman, Deborah Lamb, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi
Oppose: Anne Cates and Rosa De La Camara
Absent: Steven Alexander, Carlos Diaz-Padron, Commissioner Juan Zapata and Kenneth Forbes

Recommendation 5

That the County Charter and Code be amended to allow areas with over 15,000 people to obtain a lower number of petitions for incorporations based on a sliding scale to be determined.

Background: On November 6, 2012, voters amended the County Charter which created the percentage of 20 percent for incorporation efforts. The Code requires a 25 percent petition in order to create a MAC. Currently, the Charter and County Code do not match.

Motion Passed: 9-2

Support: Mitchell Bierman, Anne Cates, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata
Oppose: Richard Friedman and Deborah Lamb
Absent: Steven Alexander and Carlos Diaz-Padron

Recommendation 6

Retain the current process for annexations of fewer than 250 electors.

Background: The current process Charter and Code for annexations requires that a vote of the electorate be conducted if the area has more than 250 resident electors. Additionally, the area is developed with more than 50 percent residential the Code requires an election. Currently, in the County Code there is no provision that applies to commercial areas for an annexation that allows for owners of commercial properties to vote, unless they reside within the area. However, according to the Code, the Board can amend boundaries to include a commercial area of a proposed annexation.

Motion Passed: 9-3

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Kenneth Forbes, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: *Ann Cates, Richard Friedman and Deborah Lamb

*Anne Cates vote amended on September 11, 2013

Absent: Lenny Feldman

Recommendation 7

Amend the County Code to remove the provisions of mitigation on annexations of non-revenue neutral areas.

Background: Currently, the Code requires that a municipality that is annexing a non-revenue neutral area to make a mitigation payment. Recently, the Board amended all of the annexation agreements allowing the municipality to make payments for several years. To account for the loss of revenue, levels of service will need to be adjusted.

Motion Passed: 11-1

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Lenny Feldman

Recommendation 8

Amend the Code to remove the provisions of mitigation on incorporations for newly incorporated municipalities.

Background: The Code requires non-revenue neutral areas to make mitigation payments. Recently, the Board amended the municipal charters of the mitigation paying municipality allowing a seven year phase out. As UMSA is reduced, the current level of service may cost more to provide in the remaining areas.

Motion Passed: 12-0

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Kenneth Forbes, Richard Friedman, Deborah Lamb, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: None

Absent: Lenny Feldman

Recommendation 9

The Board should adopt a policy prohibiting a single commissioner from vetoing any incorporation or annexation application.

Background: The Code currently requires for a district commissioner whose district composes a majority of the proposed area in an incorporation effort, to be the sponsor of a resolution creating a MAC to study the feasibility of an area to create a municipality. This recommendation would allow an incorporation effort to move forward should the district commissioner not be willing to support it.

Motion Passed: 9-3

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Kenneth Forbes, Richard Friedman, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Carlos Diaz-Padron, Deborah Lamb and Carlos Manrique

Absent: Lenny Feldman

Recommendation 10

Recommending that annexation and incorporation boundaries be contiguous, logical, and compact, while seeking natural boundaries and allowing a case by case review process for non-conforming areas. Additionally requests for annexations or incorporations shall not create enclaves.

Motion Passed: 7-0

Support: Steven Alexander, Anne Cates, Lenny Feldman, Kenneth Forbes, Deborah Lamb, Mayor Manuel Marono and Mayor Michael Pizzi

Oppose: None

Absent: Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Richard Friedman, Carlos Manrique and Commissioner Juan Zapata

Recommendation 11

That the Commission waive the petition process for previously formed MACs if there is intent (to proceed), also recommending that the MACs not create enclaves along commission district boundaries.

Background: The Code, defines an enclave as an area in which more than 80 percent of its boundaries are surrounded by one or more municipalities and cannot be serviced efficiently or effectively due to its size. Providing services to an enclave that is part of UMSA would be rather difficult.

Motion Passed: 7-1

Support: Steven Alexander, Anne Cates, Lenny Feldman, Kenneth Forbes, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Richard Friedman and Carlos Manrique

Recommendation 12

That the County Code be amended to remove the requirement that municipalities pay for specialized police services.

Background: The County Code requires that any municipality that receives specialized police services directly pays for their service. The current practice in place allows for these services to be maintained through the countywide budget. Removing this requirement from County Code will make it consistent with current practices.

Motion Passed: 7-1

Support: Steven Alexander, Anne Cates, Lenny Feldman, Kenneth Forbes, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Richard Friedman and Carlos Manrique

Recommendation 13

That the Board enact legislation defining the criteria and procedure for an adjacent municipality to raise concern regarding an annexation request, recommending a proposed charter modification if necessary.

Motion Passed: 10-1

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique and Mayor Michael Pizzi

Oppose: Deborah Lamb

Absent: Mayor Manuel Marono and Commissioner Juan Zapata

Recommendation 14

That the County encourage annexations and incorporations of unincorporated areas to get out of the municipal serves business and focus on regional services.

Motion Passed: 9-3

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Rose de la Camara, Carlos Diaz-Padron and Deborah Lamb

Absent: Mayor Manuel Marono

Recommendation 15

That every municipal charter shall include provisions for pension and salaries of elected officials.

Background: Currently, the incorporation process consists of two steps. The first step is a vote by the resident electors determining if they want to be a city. The second step in the incorporation process includes adoption of a charter for the municipality. Subsequent to the charter being adopted, the residents elect municipal officials.

Motion Passed: 11-1

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Carlos Diaz-Padron

Absent: Mayor Manuel Marono

Recommendation 16

Create an advisory panel to analyze UMSA and create a long term plan for improvement and development in which the planning intended is to improve all areas where incorporation seems feasible.

Divide UMSA into distinct geographic and recognized community areas.

Analyze each area

- a. Identify specific needs such as crime prevention and community needs
- b. Identify infrastructure needs to encourage development such as road improvements and transportation
- c. Identify business development needs
- d. Identify private sector social service networks and service providers

Create a long range plan for each area and that these recommendations should be followed as part of the County's goal on focusing on regional issues and allowing incorporations.

- a. Identify funding needs and sources
- b. Gather feedback from residents
- c. Set up guidelines and measurable standards of performance for providers

- d. Set up realistic long term goals and break down the goals into short term benchmarks
- e. Identify areas which have realistic resources to incorporate

Adopt the above mentioned plan which shall be in place within three years and present findings to the Board, Mayor and to the residents in town hall meetings.

Motion Passed on July 17, 2013: 9-0

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: None

Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 16 was amended on July 24, 2013 to include the following:

- f. Once approximately 20 percent or less of the County's population remains in UMSA, the County will poll residents to determine if full incorporation is desirable.*

Motion Passed: 10-1

Support: Steven Alexander, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi

Oppose: Deborah Lamb

Absent: Mitchell Bierman and Commissioner Juan Zapata

Recommendation 17

Miami-Dade County to provide a report to the public, a comprehensive accounting of areas in UMSA including population that are not currently included in any MAC or annexation study, within 60 days.

Motion Passed: 8-1

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 18

That the Board adopt an ordinance enabling areas that can't be served by the County efficiently and effectively and were contiguous to an active proposed incorporation or annexation area, have an opportunity to opt in upon 20 percent petition by the residents of the area and approval of the majority of the Board to a current MAC or annexation effort, prior to the PAB meeting.

Motion Passed: 9-0

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata
Oppose: None
Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 19

Miami-Dade County to maintain an updated electronic incorporation and annexation web portal site to include frequently asked questions and principles, pamphlets describing how to incorporate and annex provides what the process is, a list of active incorporations and annexations, and a list of enclave areas.

Background: Currently, information on Annexation and Incorporation can be found on the Miami-Dade County web portal, under the Office of Management and Budget. The website address is: <http://www.miamidade.gov/managementandbudget/incorporation-annexation.asp>

Motion Passed: 9-0

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata
Oppose: None
Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 20

That the Code be amended to allow 180 days to gather petitions for incorporations, making the Code consistent with the Charter.

Motion Passed: 9-0

Support: Steven Alexander, Anne Cates, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi
Oppose: Rosa De La Camara and Deborah Lamb
Absent: Mitchell Bierman and Commissioner Juan Zapata

Recommendation 21

That the Board obtain a consultant to make a recommendation on UMSA. Recommending that the annexation and incorporation boundaries be contiguous, logical, and compact, while seeking natural boundaries and include an economic component.

Motion Passed: 6-3

Support: Rosa De La Camara, Kenneth Forbes, Richard Friedman, Deborah Lamb, and Carlos Manrique and Commissioner Juan Zapata

Oppose: Steven Alexander, Anne Cates and Carlos Diaz-Padron
Absent: Mitchell Bierman, Lenny Feldman and Mayor Manny Marono

Final Motion to accept Recommendations

Adopt recommendations 1-20 with a modification to add line F in recommendation 16 to reflect on record that all items were approved by task force members present, to reflect for recommendations 2 and 8 that Task Force Member Lamb's vote should reflect opposition, also directs Chair to work with staff on a comprehensive report, with no modifications made by staff, accept recommendations as approved, and that the task force will conduct one final meeting to vote on the final report.

Motion Passed: 10-1

Support: Steven Alexander, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi
Oppose: Deborah Lamb
Absent: Mitchell Bierman and Commissioner Juan Zapata

Conclusion

While it may be possible for the Annexation and Incorporation Task Force members to make general recommendations and observations, direction and plans with specific recommendations of utilization of resources, measures of performance and effectiveness, and estimated costs would be best left to a combination of noted experts including academics, county and municipal staff, elected officials, and civic leaders from areas of UMSA targeted. These plans and recommendations should be reviewed by the county government and residents. Priorities can be established and sequencing of actions can be planned. Estimate of funding costs and benefits have to be outlined. Sources of funding should be identified. There are published federal studies of urban problems and solutions with evaluations of efficacy. Examples of previous efforts by other communities across the country and valid statistics would help with the credibility of launching a long term program.

Further recommendations should outline all remaining areas of UMSA. Each area needs to have a summary of strengths and weaknesses. Each area should have specific goals for improvements. Areas should be prioritized based on need, but no areas should sacrifice services to benefit services for other areas. New resources need to be identified to fund initiatives as established resources are already minimal. It is important to foster community involvement in these initiatives. Residents need to understand why programs are being implemented and changes made will be to their benefit. If this can be accomplished, community involvement would greatly help program effectiveness. All residents need to understand how proposed programs in specific areas would benefit the county as a whole. Crime and poverty left unchecked will cause problems for the entire county, despite how tall the gates of gated development are.

If the intent is to reduce the size of the UMSA areas through Incorporation and Annexation, it is very apparent that recipient areas may remain. All areas have attributes for the Miami-Dade County community. If residents choose to remain in UMSA, a plan to make each neighborhood a better place to live should be crafted. While the work will be long, tedious, and extremely difficult, we need an approach to move our community into the reality of being a world class international city and at the same time being a great place to live. We cannot continue to develop west, considering the environmental factors and service delivery issues, especially, if there are opportunities in older established communities. It is how we address these problems and opportunities that determine what type of community in which we will live.

Comments by Task Force Member Richard Friedman

Many efforts have been made to deal with the mechanics of Incorporation and Annexation (I&A). A long-term comprehensive plan to improve and develop remaining UMSA is lacking, although. Starting with the Key Biscayne incorporation, many areas have chosen to form new municipalities. Most all of the areas which have chosen this route have strong tax bases. As these wealthier communities have chosen to form individual municipalities, the remaining available tax base for UMSA has been diminished. Some of the remaining areas seem to have adequate assets to create new municipalities. Some of those remaining areas have certain issues which make forming a new municipality economically difficult and some existing municipalities have announced intentions to annex areas of UMSA. There does not seem to be

an effort to include enclaves or areas with economic difficulty. However, it may be that the ability to sustain those areas under UMSA is feasible with some modest increases in taxes. The question remains as to whether this is the most feasible cost effective and responsive manner to provide government services for those residents.

As each area of UMSA presents unique assets and liabilities, overall high crime rates and unemployment present significant economic challenges for specific areas. In certain areas, these problems seem to be systemic. Other areas have relatively low crime rate, but little comprehensive planning and development to maintain and improve the viability of the area.

With incorporations many areas are now attaining this type of review and improvement, but only within their respective boundaries. A similar approach needs to be formulated to improve communities in UMSA to make incorporations and annexations feasible. A "one-size-fits-all" approach to services in UMSA may no longer be effective due to the fragmentation of areas secondary to incorporation and annexation. If it is the desire of residents to reject incorporation and annexation, it is still imperative to provide a targeted approach toward improving remaining areas. Keep in mind this county cannot continue to develop west. The more difficult task of reviving established areas for re-development should be the task at hand. Approaches to addressing these problems cannot be reactionary and compartmentalized if they are to be effective. Approaches to these problems should balance the interest of the local communities and the County. Addressing these problems should be proactive and unified with cooperation by private sector organizations and governmental agencies and departments. Programs should be administered locally, by a combination of private and public sector organizations and departments. Programs must allow for feedback by residents, in order to tailor these programs for acceptance and effectiveness. Most importantly, programs have to be in place as long as needed. The commitment has to be maintained despite short term criticism which may arise. There will not be a quick fix to problems which have been in place for many years and are very complex.

Specific areas of UMSA have a rich background. Areas such as Redland, Richmond Heights, Westchester and Kendall have a strong identity with historical background and unique assets. More areas should be identified to foster a sense of community. Lessons from history should be learned when strong communities such as Overtown are divided. There are too many communities, in which their identity of the area is the name given by the developer. Fostering more sense of community should help when voices need to be heard concerning needs and direction of communities.

The goal should be related to improvements in the quality of life in areas. What problems should be addressed to make areas more desirable to live in? Residents of communities should be

Comments by Task Force Member Richard Friedman

able to set priorities on quality of life issues. What problems should be addressed to stimulate large and small business development? How can existing businesses be assisted in growth? Employment, health and safety, job training, affordable housing and community building, among other factors must be combined in a comprehensive approach. Programs need to be able to cross between county and municipal boundaries to be effective. There are many examples of effective comprehensive programs across the country. While all areas are different with different challenges, certainly there is existing models to adapt and implement. Identify specific areas

which require different levels of services including police services, job training, youth services, health services, economic improvement, employment, economic opportunity such as small business creation, and home ownership and assistance. Various combinations should be implemented for different areas to achieve a more consistent quality of life for all residents. Programs should be comprehensive, coordinated, and monitored with clear and measurable indices for improvement and performance. Specific goals and time lines should be put into place with periodic review of performance indices. A transparent and fair method of replacing organizations which underperform has to be developed. It should be very clear why a private or sector organization would be considered to be replaced due to under performance. There should not be a preference of private sector over public sector when considering administering programs. Cost effectiveness and ability to perform should be one of the biggest determining factors on which agency or organization is administering a program. Economic measures of cost of crime, unemployment, etc., should be factored to demonstrate the cost of not providing effective programs.

Comments by Task Force Member Anne Cates

Dissent to Recommendation #6 – Retain the current process for annexations of fewer than 250 electors:

By Anne Cates

I cannot vote for a recommendation that allows an existing city to annex an area of less than 250 registered voters without a vote of those residents. This is a section of the Charter/Code that promotes “cherry picking,” a real estate/commercial land grab. If continued, this process could easily thwart the incorporation movements of many viable unincorporated areas who have the will and the resources to become their own city. Many areas have been seeking incorporation for years but were prevented from going forward by the 2007 moratorium imposed by the Board of County Commissioners. Self governance is not a dirty word. Areas seeking incorporation do so with the intent to foster a sense of community, and cities seeking to annex those areas may have goals that are entirely inconsistent with those of the area they seek to annex. This creates divisiveness, resentment, and a loss of like interests that most neighborhoods seek to attain. Residents of any area, whether via incorporation or annexation, should not be denied the right to self-determination and should be able to set priorities as to their unique quality of life issues. If they are denied a voice in that process, they are being deprived of the opportunity to participate in matters that affect them both economically and socially, and it is an outcome for which they have no remedy.

Consequently, not only do I vote “No” to retain this section of the Charter/Code, I feel that it should be repealed. Current legislation supports residents seeking incorporation by allowing the right to vote on their future. Those “less than 250” residents who are being annexed do not have that same right. What makes them different? Why are they being denied the right to vote when their next-door neighbors--who are exercising their right to self-determination--have?

I see this process escalating all over Miami-Dade County. I hear the pleas to the powers that be from those residents who are already faced with this reality, urging the denial of these annexations. The real-time effect of these small scale annexations will with few exceptions increase the tax bills of those “less than 250.” Practically overnight, they will see their tax bills rise from the County’s current 1.9 millage rate to that of the annexing city, which will increase their property taxes two, three, four, and possibly even five times. This without a vote of the taxpayer. These types of annexations occur largely unnoticed until they are a fait accompli, thus placing an onerous burden on unsuspecting residents, a burden for which there is no mechanism for remediation.

It is unfair, unjust, and just plain wrong.

COMMENTS FROM TASK FORCE MEMBER LENNY FELDMAN



Annexation and Incorporation Task Force
Report

September 11, 2013

|

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District 12, Honorable Jose “Pepe” Diaz
District 13, Honorable Esteban L. Bovo, Jr.

On November 12, 2012, the Miami-Dade County Board of County Commissioners (Board) approved Resolution No. R-983-12, creating an Annexation and Incorporation Task Force. The goal of the Task Force was to review pending incorporation proposals and make recommendations on how Miami-Dade County should proceed to address the remainder of the Unincorporated Municipal Service Area (UMSA).

The Task Force met on a weekly basis from April 3, 2013 to September 11, 2013. A total of seventeen (17) meetings were held, which included 6 public hearings throughout the County's diverse neighborhoods to allow greater public participation. The dates and locations of all meetings held were as follows:

Wednesday, April 3, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, April 17, 2013

6:00 p.m. (Public Hearing)
North Dade Regional Library
2455 NW 183rd Street
Miami Gardens, FL 33056

Wednesday, May 1, 2013

6:00 p.m. (Public Hearing)
West Dade Regional Library
9445 Coral Way
Miami, FL 33165

Wednesday, May 15, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, May 29, 2013

6:00 p.m. (Public Hearing)
Florida City Hall
404 West Palm Drive
Florida City, FL 33034

Wednesday, April 10, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, April 24, 2013

6:00 p.m. (Public Hearing)
South Dade Regional Library
10750 SW 211th Street
Cutler Bay, FL 33189

Wednesday, May 8, 2013

9:00 a.m.
History Miami
101 West Flagler Street
Miami, FL 33130

Wednesday, May 22, 2013

6:00 p.m. (Public Hearing)
West Kendall Regional Library
10201 Hammocks Boulevard
Suite 159
Miami, FL 33196

Wednesday, June 5, 2013

6:00 p.m. (Public Hearing)
North Miami Beach City Hall
17011 NE 19th Avenue
North Miami Beach, FL 33162

Wednesday, June 12, 2013

Stephen P. Clark Center
9:00 a.m.
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, June 26, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, July 17, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

September 11, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
CITT 10th Floor, Large Conference Room
Miami, FL 33128

Wednesday, June 19, 2013

Stephen P. Clark Center
9:00 a.m.
111 NW 1 Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, July 10, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

Wednesday, July 24, 2013

9:00 a.m.
Stephen P. Clark Center
111 NW 1st Street
18th Floor, Conference Room 18-3
Miami, FL 33128

The Task Force considered and voted on 20 recommendations regarding the annexation and incorporation process. This report details the 20 recommendations, the background on the issue, and the results of the vote on each recommendation. Introductory and concluding remarks that follow were provided by Task Force Members.

Introduction

[The County Should Effectively Address the Growing Interest in Incorporation and Annexation to Limit Enclaves Throughout Miami-Dade.](#)

[At the time of this report, 1,102,142 or approximately 44% of Miami-Dade residents resided in UMSA. The County provided materials to the Task Force Members illustrating the UMSA areas where incorporation and/or annexation studies were underway as well as those areas where the](#)

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BCC enacted Municipal Advisory Committees (MACs) that had sunsetted. In fact, throughout the time of these proceedings the BCC re-established several MACs that had sunsetted in south Miami-Dade County.

At this time, approximately 650,000 UMSA residents resided in areas where such incorporation/annexation studies are underway and numerous other residents have expressed a palpable interest in establishing or re-establishing such efforts. While it remains to be seen whether all or most of these areas will vote for incorporation or annexation, this leaves only about 450,000, accounting for less than 20% of the UMSA population not subject to any such studies. (These residents predominantly reside in the Westchester, Coral Terrace and Tamiami area.) In order to limit enclaves of residents for whom Miami-Dade County will increasingly find it more difficult to efficiently and effectively provide services, it is imperative that the County address the incorporation and/or annexation process in a comprehensive, as opposed to a piecemeal, manner.

2. The BCC Should Enact Ordinances and Recommend Policy Providing Transparency and Clarity to the Incorporation and Annexation Process.

Throughout the public hearings, the Task Force heard from approximately 65 Miami-Dade residents (not recounting residents who spoke at more than one hearing). The comments of the residents were mixed with neither proponents nor opponents of incorporation/annexation dominating the discussion.

Proponents of incorporation/annexation stressed that:

- incorporation would enable residents of donor communities to put surplus taxes to use locally;
- the current UMSA millage rate was inadequate to service UMSA areas effectively;
- residents would be willing to pay a higher millage rate for improved services;
- residents could control costs by enacting charters limiting pensions and salaries for elected and hired officials;
- incorporation would provide representation by local residents who know the community's precise needs;
- local officials could address comprehensive zoning and development issues;
- incorporation would provide funding for a greater, dedicated police presence: and
- incorporation would provide community identity.

Opponents of incorporation/annexation indicated that:

- residents do not want to incur greater taxation;
- county services are more than adequate under the current millage rate;
- residents would not be in a position to control spending and costs of elected and hired officials;
- incorporation would create another layer of government;
- local officials would create duplicative zoning and permitting procedures and encourage eminent domain of lower revenue-producing areas; and
- incorporation would financially hurt local businesses.

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In any event, the following common themes emerged:

- residents require accurate, objective and balanced information in order to fully educate themselves on the positives and negatives of incorporation/annexation;
- residents should not be excluded from incorporation/annexation studies by contiguous areas simply because their neighborhoods fall within the boundaries of another Commissioner's district; and
- residents should not be forced to incorporate or annex, but should have the right to vote for their preference based on the information before them.

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The mixed comments, opinions and perceptions of Miami-Dade residents who spoke at the public hearings held throughout the County, indicate the need for greater transparency and clarity in the incorporation/annexation process. Accordingly, it is imperative that the BCC enact the necessary ordinances and support policy that enables UMSA residents to fully understand the incorporation/ annexation process, participate in the process as proponents or opponents to such efforts, and have an opportunity to decide their outcome by a vote.

3. While Incorporation/Annexation Efforts Proceed, the County Should Adopt a Long Term Plan to Enhance Development in UMSA Areas Interested in Incorporating.

While many efforts have been made to deal with the mechanics of Incorporation and Annexation (I&A), a long-term comprehensive plan to improve and develop remaining UMSA seems to be lacking. Starting with the Key Biscayne incorporation, many areas have chosen to form new municipalities. Most all of the areas which have chosen this route have strong tax bases. As these wealthier communities have chosen to form individual municipalities, the remaining available tax base for UMSA has been diminished. Some of the remaining areas seem to have adequate assets to create new municipalities. Some of those remaining areas have certain issues which make forming a new municipality economically difficult and some existing municipalities have announced intentions to annex areas of UMSA. There does not seem to be

an effort to include enclaves or areas with economic difficulty. However, it may be that the ability to sustain those areas under UMSA is feasible with some modest increases in taxes. The question remains as to whether this is the most feasible cost effective and responsive manner to provide government services for those residents.

As each area of UMSA presents unique assets and liabilities, overall high crime rates and unemployment present significant economic challenges for specific areas. In certain areas, these problems seem to be systemic. Other areas have relatively low crime rate, but little comprehensive planning and development to maintain and improve the viability of the area.

With incorporations many areas are now attaining this type of review and improvement, but only within their respective boundaries. A similar approach needs to be formulated to improve communities in UMSA to make incorporations and annexations feasible. A "one-size-fits-all" approach to services in UMSA may no longer be effective due to the fragmentation of areas secondary to incorporation and annexation. If it is the desire of residents to reject incorporation and annexation, it is still imperative to provide a targeted approach toward improving remaining areas. Keep in mind this county cannot continue to develop west. The more difficult task of

reviving established areas for re-development should be the task at hand. Approaches to addressing these problems cannot be reactionary and compartmentalized if they are to be effective. Approaches to these problems should balance the interest of the local communities and the County. Addressing these problems should be proactive and unified with cooperation by private sector organizations and governmental agencies and departments. Programs should be administered locally, by a combination of private and public sector organizations and departments. Programs must allow for feedback by residents, in order to tailor these programs for acceptance and effectiveness. Most importantly, programs have to be in place as long as needed. The commitment has to be maintained despite short term criticism which may arise. There will not be a quick fix to problems which have been in place for many years and are very complex.

~~Specific Many~~ areas of UMSA ~~have posses a rich background. Areas such as Redland, Richmond Heights, Westchester and Kendall have a~~ strong identity with historical background and unique assets. More areas should be identified to foster a sense of community. Lessons from history should be learned when strong communities such as Overtown are divided. There are too many communities, in which their identity of the area is the name given by the developer. Fostering more sense of community should help when voices need to be heard concerning needs and direction of communities.

The goal should be related to improvements in the quality of life in areas. What problems should be addressed to make areas more desirable to live in? Residents of communities should be able to set priorities on quality of life issues. What problems should be addressed to stimulate large and small business development? How can existing businesses be assisted in growth? Employment, health and safety, job training, affordable housing and community building, among other factors must be combined in a comprehensive approach. Programs need to be able to cross between county and municipal boundaries to be effective. There are many examples of effective comprehensive programs across the country. While all areas are different with different challenges, certainly there is existing models to adapt and implement. Identify specific areas

which require different levels of services including police services, job training, youth services, health services, economic improvement, employment, economic opportunity such as small business creation, and home ownership and assistance. Various combinations should be implemented for different areas to achieve a more consistent quality of life for all residents. Programs should be comprehensive, coordinated, and monitored with clear and measurable indices for improvement and performance. Specific goals and time lines should be put into place with periodic review of performance indices. A transparent and fair method of replacing organizations which underperform has to be developed. It should be very clear why a private or sector organization would be considered to be replaced due to under performance. There should not be a preference of private sector over public sector when considering administering programs. Cost effectiveness and ability to perform should be one of the biggest determining factors on which agency or organization is administering a program. Economic measures of cost of crime, unemployment, etc., should be factored to demonstrate the cost of not providing effective programs.

Recommendations

The following recommendations are presented for the Board to consider regarding municipal annexations and incorporations.

Recommendation 1

That the Miami-Dade County Code of Ordinances (Code) be amended allowing a Municipal Advisory Committee (MAC) to be sponsored by the Mayor or a majority of the County Commissioners should the Commissioner of the MAC area decline to sponsor the creation of the MAC.

Background: The County Code currently requires sponsorship of the County Commissioners whose district comprises the majority of the area proposed to be incorporated to create a MAC. This recommendation would allow an incorporation effort to move forward should the district commissioner not be willing to support it.

Motion Passed: 10-3

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Richard Friedman, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Kenneth Forbes, Carlos Manrique and Deborah Lamb

Recommendation 2

That the Code be amended to remove the PAB Incorporation and Annexation Committee review requirement.

Background: The Code requires that prior to the Planning Advisory Board (PAB) reviewing an annexation or incorporation request, the PAB Incorporation and Annexation Committee must

review the application and make a recommendation to the PAB. In order to simplify the process, this step can be eliminated and only require the PAB to review the request and make a recommendation directly to the Board.

Motion Passed: 13-0

Support: Steven Alexander, Mitchell Bierman, Ann Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: None

Recommendation 3

That the Code be amended so that any newly annexed areas receive the revenue from Utility Taxes and Franchise Fees of the area provided any outstanding debt secured by these revenues has been retired, reflecting the current process for incorporations.

Background: The Code allows the County to retain utility taxes and franchise fees for any annexed area. In 1989, the County entered into a thirty (30) year Agreement with Florida Power & Light requiring that the franchise area remain unchanged for the life of the agreement. Cities that have incorporated thereafter have an interlocal agreement with the County for the distribution of these revenues. This recommendation would allow for the annexing municipality to receive the revenue that is attributable to that area, in the same manner that the newly incorporated areas receive the revenue. This recommendation is consistent with the June 20, 2012 Miami-Dade County Charter Review Task Force Recommendation.

Motion Passed: 7-4

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Lenny Feldman, Mayor Manuel Marono and Mayor Michael Pizzi

Oppose: Kenneth Forbes, Richard Friedman, Deborah Lamb and Carlos Manrique

Absent: Carlos Diaz-Padron and Commissioner Juan Zapata

Recommendation 4

Allow annexations and incorporations outside the Urban Development Boundary (UDB). County should retain control of zoning and land use authority for areas outside the UDB, and movement of the UDB. In the event the UDB is moved, any land use and zoning change would require dual approval of the adjacent municipality and the County.

Background: Florida Statute 171.043 requires that for annexations, “part or all of the area to be annexed must be developed for urban purposes”. There is concern that areas outside of the UDB are environmentally sensitive and there is a need to protect those areas. Currently, there is no prohibition of annexation or incorporation outside the UDB. This would create a policy that allows for existing or new municipalities to incorporate areas outside the UDB. Additionally, the County would keep the authority to move the UDB and would retain control of zoning and land use in these areas.

Motion Passed: 7-2

Support: Mitchell Bierman, Lenny Feldman, Richard Friedman, Deborah Lamb, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi

Oppose: Anne Cates and Rosa De La Camara

Absent: Steven Alexander, Carlos Diaz-Padron, Commissioner Juan Zapata and Kenneth Forbes

Recommendation 5

That the County Charter and Code be amended to allow areas with over 15,000 people to obtain a lower number of petitions for incorporations based on a sliding scale to be determined.

Background: On November 6, 2012, voters amended the County Charter which created the percentage of 20 percent for incorporation efforts. The Code requires a 25 percent petition in order to create a MAC. Currently, the Charter and County Code do not match.

Motion Passed: 9-2

Support: Mitchell Bierman, Anne Cates, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Richard Friedman and Deborah Lamb

Absent: Steven Alexander and Carlos Diaz-Padron

Recommendation 6

Retain the current process for annexations of fewer than 250 electors.

Background: The current process Charter and Code for annexations requires that a vote of the electorate be conducted if the area has more than 250 resident electors. Additionally, if the area is developed with more than 50 percent residential the Code requires an election. Currently, in the County Code there is no provision that applies to commercial areas for an annexation that allows for owners of commercial properties to vote, unless they reside within the area. However, according to the Code, the Board can amend boundaries to include a commercial area of a proposed annexation.

Motion Passed: 10-2

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Kenneth Forbes, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Richard Friedman and Deborah Lamb

Absent: Lenny Feldman

Recommendation 7

Amend the County Code to remove the provisions of mitigation on annexations of non-revenue neutral areas.

Background: Currently, the Code requires that a municipality that is annexing a non-revenue neutral area to make a mitigation payment. Recently, the Board amended all of the annexation agreements allowing the municipality to make payments for several years. To account for the loss of revenue, levels of service will need to be adjusted.

Motion Passed: 11-1

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Lenny Feldman

Recommendation 8

Amend the Code to remove the provisions of mitigation on incorporations for newly incorporated municipalities.

Background: The Code requires non-revenue neutral areas to make mitigation payments. Recently, the Board amended the municipal charters of the mitigation paying municipality allowing a seven year phase out. As UMSA is reduced, the current level of service may cost more to provide in the remaining areas.

Motion Passed: 12-0

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Kenneth Forbes, Richard Friedman, Deborah Lamb, Carlos Manrique, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: None

Absent: Lenny Feldman

Recommendation 9

The Board should adopt a policy prohibiting a single commissioner from vetoing any incorporation or annexation application.

Background: The Code currently requires for a district commissioner whose district composes a majority of the proposed area in an incorporation effort, to be the sponsor of a resolution creating a MAC to study the feasibility of an area to create a municipality. This recommendation would allow an incorporation effort to move forward should the district commissioner not be willing to support it.

Motion Passed: 9-3

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Kenneth Forbes, Richard Friedman, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Carlos Diaz-Padron, Deborah Lamb and Carlos Manrique

Absent: Lenny Feldman

Recommendation 10

Recommending that annexation and incorporation boundaries be contiguous, logical, and compact, while seeking natural boundaries and allowing a case by case review process for non-conforming areas. Additionally requests for annexations or incorporations shall not create enclaves.

Motion Passed: 7-0

Support: Steven Alexander, Anne Cates, Lenny Feldman, Kenneth Forbes, Deborah Lamb, Mayor Manuel Marono and Mayor Michael Pizzi

Oppose: None

Absent: Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Richard Friedman, Carlos Manrique and Commissioner Juan Zapata

Recommendation 11

That the Commission waive the petition process for previously formed MACs that may have sunsetted if there is intent ~~(to proceed)~~, also recommending that the MACs not create enclaves along commission district boundaries.

Background: The Code, defines an enclave as an area in which more than 80 percent of its boundaries are surrounded by one or more municipalities and cannot be serviced efficiently or effectively due to its size. Providing services to an enclave that is part of UMSA would be rather difficult.

Motion Passed: 7-1

Support: Steven Alexander, Anne Cates, Lenny Feldman, Kenneth Forbes, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Richard Friedman and Carlos Manrique

Recommendation 12

That the County Code be amended to remove the requirement that municipalities pay for specialized police services.

Background: The County Code requires that any municipality that receives specialized police services directly pays for their service. The current practice in place allows for these services to be maintained through the countywide budget. Removing this requirement from County Code will make it consistent with current practices.

Motion Passed: 7-1

Support: Steven Alexander, Anne Cates, Lenny Feldman, Kenneth Forbes, Mayor Manuel Marono, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Deborah Lamb

Absent: Mitchell Bierman, Rosa De La Camara, Carlos Diaz-Padron, Richard Friedman and Carlos Manrique

Recommendation 13

That the Board enact legislation defining the criteria and procedure for an adjacent municipality to raise concern regarding an annexation request, recommending a proposed charter modification if necessary.

Motion Passed: 10-1

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique and Mayor Michael Pizzi

Oppose: Deborah Lamb

Absent: Mayor Manuel Marono and Commissioner Juan Zapata

Recommendation 14

That the County encourage annexations and incorporations of unincorporated areas to get out of the municipal serves business and focus on regional services.

Motion Passed: 9-3

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Rose de la Camara, Carlos Diaz-Padron and Deborah Lamb

Absent: Mayor Manuel Marono

Recommendation 15

That every municipal charter shall include provisions ~~for specifying any~~ pension and salaries of elected officials requiring approval by a majority of the voting electors.

Background: Currently, the incorporation process consists of two steps. The first step is a vote by the resident electors determining if they want to be a city. The second step in the incorporation process includes adoption of a charter for the municipality. Subsequent to the charter being adopted, the residents elect municipal officials.

Motion Passed: 11-1

Support: Steven Alexander, Mitchell Bierman, Anne Cates, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: Carlos Diaz-Padron

Absent: Mayor Manuel Marono

Recommendation 16

Create an advisory panel to analyze UMSA and create a long term plan for improvement and development in which the planning intended is to improve all areas where incorporation seems feasible. However, neither the creation nor implementation of such a plan should delay or bar any ongoing incorporation/annexation studies, efforts or votes.

Divide UMSA into distinct geographic and recognized community areas.

Analyze each area

- a. Identify specific needs such as crime prevention and community needs
- b. Identify infrastructure needs to encourage development such as road improvements and transportation
- c. Identify business development needs
- d. Identify private sector social service networks and service providers

Create a long range plan for each area and that these recommendations should be followed as part of the County's goal on focusing on regional issues and allowing incorporations.

- a. Identify funding needs and sources
- b. Gather feedback from residents
- c. Set up guidelines and measurable standards of performance for providers
- d. Set up realistic long term goals and break down the goals into short term benchmarks
- e. Identify areas which have realistic resources to incorporate

Adopt the above mentioned plan which shall be in place within three years and present findings to the Board, Mayor and to the residents in town hall meetings.

Motion Passed on July 17, 2013: 9-0

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata

Oppose: None

Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 16 was amended on July 24, 2013 to include the following:

- f. *Once approximately 20 percent or less of the County's population remains in UMSA, the County will poll residents to determine if full incorporation is desirable.*

Motion Passed: 10-1

Support: Steven Alexander, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi

Oppose: Deborah Lamb

Absent: Mitchell Bierman and Commissioner Juan Zapata

Recommendation 17

Miami-Dade County to provide a report to the public, providing a comprehensive accounting of areas in UMSA including population that are not currently included in any MAC or annexation study, within 60 days.

Motion Passed: 8-1

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Mayor Michael Pizzi and Commissioner Juan Zapata
Oppose: Deborah Lamb
Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 18

That the Board adopt an ordinance enabling areas that can't be served by the County efficiently and effectively and ~~were are~~ contiguous to an active proposed incorporation or annexation area, have an opportunity to opt in upon 20 percent petition by the residents of the area and approval of the majority of the Board to a current MAC or annexation effort, prior to the PAB meeting.

Motion Passed: 9-0

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata
Oppose: None
Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 19

Miami-Dade County ~~to should~~ maintain an updated electronic incorporation and annexation web portal site to include frequently asked questions and principles; pamphlets describing how to incorporate and annex ~~including details about provides what~~ the process; ~~is~~, a list of active incorporations and annexations; and a list of enclave areas.

Background: Currently, information on Annexation and Incorporation can be found on the Miami-Dade County web portal, under the Office of Management and Budget. The website address is: <http://www.miamidade.gov/managementandbudget/incorporation-annexation.asp>

Motion Passed: 9-0

Support: Steven Alexander, Mitchell Bierman, Rosa De La Camara, Lenny Feldman, Kenneth Forbes, Richard Friedman, Deborah Lamb, Mayor Michael Pizzi and Commissioner Juan Zapata
Oppose: None
Absent: Anne Cates, Carlos Diaz-Padron, Carlos Manrique and Mayor Manuel Marono

Recommendation 20

That the Code be amended to allow 180 days to gather petitions for incorporations, making the Code consistent with the Charter.

Motion Passed: 9-0

Support: Steven Alexander, Anne Cates, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi
Oppose: Rosa De La Camara and Deborah Lamb
Absent: Mitchell Bierman and Commissioner Juan Zapata

Final Motion to accept Recommendations

Adopt recommendations 1-20 with a modification to add line F in recommendation 16 to reflect on record that all items were approved by task force members present, to reflect for recommendations 2 and 8 that Task Force Member Lamb's vote should reflect opposition, also directs Chair to work with staff on a comprehensive report, with no modifications made by staff, accept recommendations as approved, and that the task force will conduct one final meeting to vote on the final report.

Motion Passed: 10-1

Support: Steven Alexander, Anne Cates, Rosa De La Camara, Carlos Diaz-Padron, Lenny Feldman, Kenneth Forbes, Richard Friedman, Carlos Manrique, Mayor Manuel Marono and Mayor Michael Pizzi
Oppose: Deborah Lamb
Absent: Mitchell Bierman and Commissioner Juan Zapata

Conclusion

While it may be possible for the Annexation and Incorporation Task Force members to make general recommendations and observations concerning ordinances and policies that will provide guidance to residents engaged in incorporation/annexation efforts, long term direction and plans with specific recommendations of utilization of resources, measures of performance and effectiveness, and estimated costs would be best left to a combination of noted experts including academics, county and municipal staff, elected officials, and civic leaders from areas of UMSA targeted. These plans and recommendations should be reviewed by the county government and residents. Priorities can be established and sequencing of actions can be planned. Estimate of funding costs and benefits have to be outlined. Sources of funding should be identified. There are published federal studies of urban problems and solutions with evaluations of efficacy. Examples of previous efforts by other communities across the country and valid statistics would help with the credibility of launching a long term program.

Further recommendations should outline all remaining areas of UMSA. Each area needs to have a summary of strengths and weaknesses. Each area should have specific goals for improvements. Areas should be prioritized based on need, but no areas should sacrifice services to benefit services for other areas. New resources need to be identified to fund initiatives

as established resources are already minimal. It is important to foster community involvement in these initiatives. Residents need to understand why programs are being implemented and changes made will be to their benefit. If this can be accomplished, community involvement

would greatly help program effectiveness. All residents need to understand how proposed programs in specific areas would benefit the county as a whole. Crime and poverty left unchecked will cause problems for the entire county, despite how tall the gates of gated development are.

If the intent is to reduce the size of the UMSA areas through Incorporation and Annexation, it is very apparent that recipient areas may remain. All areas have attributes for the Miami-Dade County community. If residents choose to remain in UMSA, a plan to make each neighborhood a better place to live should be crafted. While the work will be long, tedious, and extremely difficult, we need an approach to move our community into the reality of being a world class international city and at the same time being a great place to live. We cannot continue to develop west, considering the environmental factors and service delivery issues, especially, if there are opportunities in older established communities. It is how we address these problems and opportunities that determine what type of community in which we will live.

Submitted on September 11, 2013 by:

Comments from Task Force Member Lenny Feldman 2013 Annexation and Incorporation Task Force

Report – September 11, 2013

Mayor Michael Pizzi, Chair

Kenneth Forbes, Vice-Chair

Richard Friedman

Anne Cates

Steven Alexander

Lenny Feldman

Mitchell A. Bierman

Carlos Diaz-Padron

Rosa M. De La Camara

Deborah Skill Lamb

Carlos Manrique

Commissioner Juan C. Zapata

Mayor Manuel L. Marono

Comments by Task Force Member Deborah Skill Lamb

From: lambscapes@aol.com [<mailto:lambscapes@aol.com>]

Sent: Friday, September 13, 2013 12:47 AM

To: Moon, Jennifer (OMB)

Subject: the proposal I want included in the Task Force Report

Ms. Moon,
please include this as part of the Task Force Report. Please let me know if You would like me to fax this as well.
Thank you,
Debbie Lamb

Proposal for unincorporated Dade

Leave UMSA as one whole unit initially.

Make the boundaries that exist now, the accepted boundaries.

Make it a Dependent Special District which is dependent on the County, with no new taxing authority level. State Statute 189.4041

This will allow the County to identify the existing tax base, transportation revenues, sales and use taxes, special police services, mutual aid expenses, etc. to each Council District and to UMSA as a whole. It will also leave UMSA police as one large force that can be used and moved where the need arises. Building and zoning should be kept as one unit for economies of scale as well.

Assign sub districts according to the existing Community Councils.

Annexations that focus on an area primarily to take only the commercial tax base of UMSA should be discouraged. The residents of UMSA should be allowed their self determination, with accurate financials that won't keep getting smaller while they are working on their areas. Some UMSA areas may want to be annexed to an adjacent city and that should be allowed to go forward. But it needs to be UMSA resident driven.

Allow businesses/commercial properties to weigh in by petition on annexations as well if commercial development and or undeveloped property encompasses more than 50% of the the annexation area. Tie the petition to the current occupational license holder of the business, if they don't also reside within the area. They will be the ones directly affected by any tax increases. If 50%plus 1 petition is against annexation, then it should be voided.

Allow each elected Community Council body to oversee any proposed incorporations or annexations that are within their boundaries. Follow the current regulations This should include the PAB and the BCC making the final decision on whether it is allowed to go forward. If any annexation or incorporation includes another Community Council District, require that those Community Council members and their residents participate as well after a vote of 50%+1 agree that they want to be included. If several Community Council Districts want to merge and their residents agree, it should be allowed to be voted on. This would be beneficial for economies of scale.

If any incorporation or annexation fails, at least some "rest" period should be required. It should not be allowed to be revisited again right away. People deserve some relief from any repetitive efforts and should be spared the expense of multiple elections.

A set time could be scheduled each year for the BCC to hear all incorporation and annexation issues. This will help the Commission scheduling and will help keep the public better informed if they know all will be heard during the same month each year. Voting could be scheduled during regular County elections to insure the most participation.

Comments by Task Force Member Deborah Skill Lamb

All local zoning issues should be decided at the Community Council level and not forwarded to the BCC.

Require ALL Community Council members be elected from their district. BCC appointments should only take place if a mid term vacancy occurs.

Pay Community Council members \$6,000 per year, but with no pension and no health insurance.

If the residents of a Community Council area wish to spend more money than their budget allows for a service, let the residents vote to tax themselves an additional amount for it during the next general election. This effort should be taken after the Council determines that the district is currently receiving all the funding it should.

If residents are satisfied with the dependent special district level of governance and wish to remain in that form, it should be allowed and their borders should be respected as much as any municipality's borders would be respected.

Populations for each Community Council District

District 2 - 48,391	Northeast
District 5 - 95,611	Country Club of Miami
District 7 - 9,433	Biscayne Shores
District 8 - 139,125	North Central
District 10 - 256,279	Westchester
District 11 - 225,307	West Kendall
District 12 - 117,234	Kendall
District 14 - 130,034	Redland
District 15 - 81,430	South Bay
District 16 - 163	Fisher Island

Other issues to address

No one can force an existing municipality to allow their voters to make the decision to annex an area, but a vote of their residents should be encouraged.

According to a municipality's charter, if all the required steps have been taken by their residents to hold a vote to dissolve the municipality, but the governing body of the municipality refuses to allow the process to go to a vote, then the BCC should have the power to force the municipality to hold the vote.

Any major arterial roads should be treated as objects of regional importance and ownership and oversight and revenue should be retained by the BBC, since transportation is also such a major issue and funding is so slim.