



**DADE COUNTY CITIZENS' ADVISORY COMMITTEE
ON
COUNTYWIDE INCORPORATION**

**FINAL REPORT
FEBRUARY, 1992**

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EXECUTIVE SUMMARY

The structure of local government for the unincorporated area has been studied by various charter commissions, consultants, and staff over the years. Each has put forth its own recommendations, and included within every one is establishment of the lower tier of our two-tier system of our government. Our Committee concurs that the lower, or second, tier of our government must be fully established in order to improve local decision making processes in the unincorporated area. Further the Dade County Citizens' Advisory Committee on Countywide Incorporation makes the following recommendations:

- In order to complete the second tier of government, we recommend the the entire unincorporated area be incorporated through annexations by neighboring municipalities and through the creation of one or more municipalities, provided however that the County Commission retains control and authority over the location of the Urban Development Boundary line as a countywide function (page 7).
- We recommend that a "Boundaries Commission" be created to develop an overall plan for annexations and for the creation of municipalities. In addition, the Boundaries Commission should conduct a review of the enclave areas (page 8).

It is recognized that annexation and creation of new municipalities will be a lengthy process. Therefore, to begin the process and to address some of the concerns raised through the Committee's public hearings and discussions, the Committee makes the following recommendations:

- We recommend, as part of the first phase of modifying our local unincorporated area government, that the County Commission, effective March 1992, conduct separate commission meetings and public budget hearing processes for countywide and unincorporated area concerns (page 8).
- We recommend, as a preliminary step in the creation of new municipalities that elected "Municipal Matters Advisory Councils" be created (page 8).
- We recommend that on zoning matters the County Commission and Zoning Appeals Board hold meetings in various areas of the County where there is a zoning issue concern, in order to increase citizen access to local government (page 8).
- We recommend that the County Commission require that County appointed boards dealing exclusively with unincorporated issues include only unincorporated area residents (page 8).
- We recommend that the Board adopt an Ordinance requiring that all future local government sales tax revenue received on the basis of the unincorporated area population be allocated to the unincorporated area budget (page 8).
- We recommend that Section 5.05 of the Dade County Charter be amended to clarify the steps of the incorporation process, and that an ordinance for processing incorporation proposals be adopted (pages 10)
- We recommend that a full analysis be conducted of the implications related to repayment of bonded indebtedness and allocation of utility and franchise fees collected from an annexed area or newly incorporated area (page 11).

- We recommend that Section 5.04(B) of the Charter be modified such that residents of a larger municipalities would not need the approval of the municipal governing body in order to proceed with a deannexation or separation proposal. The Committee further recommends that the municipality's approval should not be required for an area which includes at least 5,000 electors in a city which has at least 50,000 electors. Consistent with the Committees' overall recommendation that the entire unincorporated area become incorporated through annexations by neighboring municipalities or incorporation, any separation/deannexation proposal should provide that the proposed area must be incorporated into its own municipality or must be included in another municipal unit at the time of separation/deannexation to prevent the creation of an unincorporated area (page 12).

If it is determined that new, full-power municipalities will not be created then:

- We recommend that the County Commission create regional zoning boards to bring zoning decisions closer to the smaller communities of interest in the unincorporated area (page 8).

Lastly, the lack of information about County Government operations and procedures was pervasive therefore:

- We recommend that the County develop a brochure on the function and operations of County government and a document/procedures manual that would explain the step-by-step process for annexations, incorporations and separations/deannexations. It is recommended that the document/procedures manual be written in layman's language and be produced by July 1992 (page 7).

INTRODUCTION

The Dade County Citizens' Advisory Committee on Countywide Incorporation was created in February 1991 (Attachments 1 and 2). The eighteen member panel was charged with fully analyzing all issues relating to the possible incorporation and annexation of various areas of the County. The County Commission directed the Committee to include but not limit their discussions to the following questions:

- Should current proposals relating to incorporation be considered only if all unincorporated areas are addressed at once? What would be the impact of incorporating only a portion of the unincorporated areas?
- Would there be any benefit to creating limited municipal service areas within portions of the unincorporated area?
- Should the existing Charter provisions relating to municipalities be changed? Should there be an ordinance specifying incorporation procedures?
- Should existing charter provisions relating to annexations be changed? Should there be changes to the ordinance concerning annexation procedures? What areas, if any, of unincorporated Dade County which are surrounded by or contiguous to existing municipalities should be annexed by those municipalities?

The Committee, prior to its public hearings, held a series of educational workshops and reviewed written material concerning current laws and procedures pertaining to annexation and incorporation, previous Charter Commissions reports and reports relating to national trends on annexation and incorporation. Nine public hearings were then conducted throughout the County to solicit public opinion concerning satisfaction/dissatisfaction with local government in the unincorporated area, to hear recommendations for changing existing Charter and County Code provisions and to hear specific recommendations for areas that might be good candidates for annexation or incorporation. Between May 1991 and February 1992 the committee held 27 meetings where the issues and questions were discussed and debated.

This report includes (1) a description of the areas of concern/findings identified through the public hearing process; (2) a description of the additional areas of concern/findings identified through the deliberations of the Committee; (3) a broad discussion on recommended actions to improve our local government in Dade County; and (4) recommendations concerning the specific questions the Committee was charged to address.

PUBLIC HEARINGS

Areas of Concern/Findings Identified through the Public Hearings:

The citizen turnout at the advertised public hearings was extremely low (60 citizens spoke/9 public hearings) and therefore the public input received cannot be considered thoroughly representative of the community. It is the belief of the Committee members that the citizens of our community lack understanding of our local government in general and lack sufficient knowledge concerning the issues of annexations and incorporations to provide specific input into recommendations for change. The majority of citizens expressing support for annexation and incorporation were public officials from existing municipalities or leaders of neighborhood associations. It should be noted that several civic activists or leaders of neighborhood associations requested that analyses of the costs and benefits of annexation or incorporation be conducted for their specific areas.

The public hearings, however, were valuable to our Committee process as they helped us gather general information on citizen concerns about our local government. The following concerns/findings were identified:

- **Zoning and Land Use Planning**
It is the perception of some members of the public who gave testimony to the Committee that zoning and land use planning decisions made by the County Commission have not been made in concert with local area interests. Some citizens stated there was a need for more local control concerning local zoning decision making. These concerns were pervasive throughout the community, but were particularly stressed in the high growth, emerging areas (e.g. Kendall).
- **General Satisfaction with Unincorporated Area Services**
A significant number of citizens who gave testimony to the Committee expressed general satisfaction with the services provided by the County. Zoning and land use issues and the level of police protection were areas with which some citizens expressed dissatisfaction.
- **Lack of Responsiveness and Need for Self Determination**
There is a perception that the County Commission is unresponsive to the interests of smaller areas ("Communities of Interest"). Representatives from local neighborhoods expressed a desire to have greater self determination and the potential to develop local political power bases, particularly in minority communities.

There is a perception that if single member districts for the election of County Commissioners are approved or imposed, the responsiveness of the County Commission to the communities of interest in the unincorporated area will be further diminished. For example, if the voters had approved the single member district plan presented to them on September 3, 1991, an unincorporated area resident would have had the opportunity to elect only 2 of 12 commissioners plus the mayor, who would govern them on municipal issues. This could have lead to accelerated efforts to incorporate in some areas.
- **Limit Tax Increases**
Some unincorporated area residents expressed concern that the creation of new cities might raise taxes. Many expressed a need for more information and the need to have the costs and benefits of incorporation analyzed before any decisions on incorporation could be made.

Some unincorporated area residents did not seem to understand that they are presently paying the equivalent of "municipal" taxes as residents of the unincorporated area in addition to countywide taxes that all Dade County property owners pay. Some believed that by living in the unincorporated area they were avoiding paying municipal taxes. Some citizens spoke against increased taxes and did not like the idea of creating another layer of bureaucracy. Attachment 3 shows a sample comparison of taxes which are presently paid on a \$125,000 home with a \$25,000 Homestead Exemption located in various areas of the County. It should be emphasized that it is difficult to compare tax rates because while all residents in this comparison are receiving the same types of services (fire, police, library etc.), service levels may differ among municipalities.

- **Potential Effects of Piecemeal Incorporation/Annexation**

Many citizens expressed the concern that the County Commission, when considering any proposed incorporations and annexations must take into account the impact on the entire county from ethnic, economic and efficiency of service delivery perspectives. Piecemeal incorporation/annexation could create a remaining unincorporated area with an insufficient tax base to fund even the current level of municipal services, or support the County government as presently structured, without a change in the current tax structure (e.g. increases in any one or more of the following: property taxes, utility taxes, franchise fees). The concept of requiring more affluent communities to "revenue share" with lower income communities was suggested as a method of allowing all neighborhoods the right to self determination without creating great disparity in the municipal services available in our community.

Piecemeal annexation could have adverse effects on our agricultural lands, our environment, and our infrastructure needs.

- **Interest in Annexation of Areas Expressed by Municipalities**

At several public hearings the Committee heard testimony from public officials interested in exploring annexations of unincorporated areas located outside their municipal boundaries (example: South Miami, North Miami Beach, Homestead, Opa-locka). Subsequent to the hearings, the City of Hialeah also expressed interest in developing an annexation proposal. The municipalities expressed interest in expanding their tax base, eliminating enclave areas and squaring off existing boundaries. They felt that services in the areas that would be annexed could be provided more efficiently and effectively by the municipalities.

COMMITTEE DISCUSSIONS

Additional Areas of Concern/Findings Identified through Committee Deliberations

- **Dual Role of County Commission**

The dual role of the Board of County Commissioners as both the countywide governing board and the local unincorporated area governing board is difficult to justify. The Commission spends a significant amount of its time on local zoning issues related solely to the unincorporated area. This focus on local zoning concerns takes away from time the Commission needs to spend on urban-metropolitan issues. Additionally, the lack of attention paid to the unincorporated area budget in the public budget hearing process, the fact that unincorporated area issues are not separated on the County Commission agendas, and the fact that the Commission has used unincorporated area funds for countywide purposes (sales tax revenue), creates the perception that the needs of the unincorporated area are not being met. Finally, the Commission is faced with extremely complex countywide issues and should be free to focus on these areas of countywide concern.
- **Inequitable Method of Electing Unincorporated Area Governing Body**

The County Commission, which is currently elected countywide, also serves as the local governing body of the unincorporated area. This means that voters in the existing municipalities impact and dilute or debase the unincorporated area residents' vote in electing the Board of County Commissioners which serves as their local governing body. Under the present system, residents of municipalities in Dade County have the sole right to elect their city commissioners who control the municipal issues, i.e. zoning, local police, municipal tax rates; however, residents of the unincorporated area are denied the right to elect their local decision making body unencumbered by the votes of the County's municipal residents. Of particular concern is the fact that throughout the past 10 years, the County Commission has been composed of a majority of commissioners who reside in municipalities and therefore were not residents of the area they govern concerning unincorporated/ municipal type services.
- **Population Increases in Unincorporated Area**

The County Commission in our "modified" two-tier government serves as the governing body both for countywide concerns and for local concerns in the unincorporated area. When our "modified" two-tier system of government was created in 1955, the unincorporated area had a population of 109,860, which was 22% of the total population of Dade County. By 1990, the unincorporated area population grew to 1,037,000, 54% of the total population of Dade County (1,937,000). Between 1980 and 1990, 76% of the County's population growth occurred in the unincorporated area. This growth trend is projected to continue. The population growth in the unincorporated area has brought new challenges to the modified two-tier concept of metropolitan government not originally contemplated.
- **Commission Committee Appointments**

The Committee raised the concern that in some instances the County Commission has appointed individuals who do not reside in the unincorporated area to unincorporated-related boards (e.g. Zoning Appeals Board).

OVERALL RECOMMENDATIONS TO THE COMMITTEE'S CHARGE TO FULLY ANALYZE ALL ISSUES RELATING TO THE POSSIBLE INCORPORATION OF VARIOUS AREAS OF THE COUNTY.

Discussion

Before outlining the Committee's recommendations for changing our local government structure, the Committee would like to emphasize that through the public hearing process we found the lack of knowledge about local government to be pervasive. Our first overall recommendation is that the County needs to improve its efforts to educate the public about our current structure and the functions of local government, as well as any changes in government structure that may be made. Such efforts should include the development a brochure on County government in layman's language. The Committee also recommends that the County prepare a document that would explain, in layman's language, the step-by-step process for annexations, incorporations, and separations/deannexations. It is recommended that this procedures manual be produced by July 1992. It will have to be amended if ordinances and charter changes affecting annexation procedures are approved. The procedures manual should include policy statements as well as specific criteria which will be used to evaluate annexations.

The structure of local government for the unincorporated areas has been studied by various charter commissions, consultants, and staff over the years, and attachments 4-8 include selected highlights of the following reports:

- 1971 Final Report and Recommendation, Dade County Metropolitan Study Commission
- 1978 Report on a Review of Two-Tier Government in Miami Dade County (Touche Ross and Co.)
- 1982 Dade County Charter Review Commission
- 1984 Governing Dade County: A Study of Alternative Structure, David Bendel Hertz
- 1986 Citizens Charter Review Committee on Dade County

Each group put forth its own recommendations but included within every one is the concept of fully establishing the lower tier of our government. Our Committee agrees with the concept of fully establishing the lower tier of our government in order to improve the process for local decision making in the unincorporated area.

The Committee found that the citizens in the unincorporated area are generally satisfied with the present level of services. However, there is a significant amount of dissatisfaction in the areas of zoning, land use planning and access to the County Commission. Further the Committee found that because zoning is a legislative function, the only way to empower a smaller "community of interest" is to allow them to become a municipal corporation.

Recommendations

The Dade County Citizens' Advisory Committee on Countywide Incorporation recommends that:

- In order to create a complete lower or second tier of government, the Committee recommends that the entire unincorporated area be incorporated through annexations by neighboring municipalities and through the creation of one or more municipalities, provided, however, that the County Commission retains control and authority over the location of the Urban Development Boundary line as a countywide function.

- The first step in creating a second tier of our government should be to create a "Boundaries Commission" to develop an overall plan for annexations and for the creation of municipalities. In addition, the Boundaries Commission should conduct a review of the enclave areas and determine whether enclave areas should be included in a newly created municipality or annexed to a neighboring municipality. As part of a phase-in process, it should also determine if contracting with the neighboring municipality to provide local services is feasible (Committee response to question 4, pages 11 and 12, contains a more complete discussion of this concept).

The Committee recognizes that the period of time necessary for the creation of new municipalities will, in all likelihood, be lengthy. Therefore, the Committee makes the following recommendations to begin the implementation process, and to begin to address some of the concerns raised through the Committee's public hearings and discussions:

- It is recommended, that as part of the first phase of modifying our local unincorporated area government, that the County Commission, effective March, 1992, conduct separate commission meetings for countywide and unincorporated area concerns. The public budget hearing process should also be separated. This recommendation does not specify that the meetings be held on different dates but that the agendas be separated and that one meeting be concluded officially before the next begins.
- It is recommended, as a preliminary step in the creation of new municipalities, that elected "Municipal Matters Advisory Councils" be created. These councils could represent the various "areas of community interest" with the County Commission.
- It is recommended that, on zoning matters, the County Commission and Zoning Appeals Board hold meetings in the various areas of the County where the specific zoning issues are of concern, in order to increase citizen access to local government.
- It is also recommended that the County Commission require that County appointed boards dealing exclusively with unincorporated issues include only unincorporated area residents.
- It is recommended that the Board adopt an Ordinance requiring that all future local government sales tax collected on the basis of the unincorporated area population be allocated to the unincorporated area budget.

If it is determined that municipalities with full powers will not be created:

- The Committee then recommends that the County Commission create elected regional zoning boards with local zoning authority. This would address some of the concerns raised by citizens about zoning and land use planning by bringing zoning decisions closer to the smaller communities of interest in the unincorporated area.

RESPONSES TO SPECIFIC QUESTIONS

1. Should current proposals relating to incorporation be considered only if all unincorporated areas are addressed at once? What would be the impact of incorporating a small portion of the unincorporated area?

The County should develop an overall plan with regards to both annexation and incorporation in the unincorporated area. The possible scenarios for incorporations and annexations in the unincorporated area are numerous. Attached is a map of Dade County showing all the possible incorporations or annexations that were mentioned throughout our public hearing or educational process (Attachment 9). There seemed to be significant public interest in studying the idea of incorporation in some of the areas highlighted on the map, while other highlighted areas were mentioned only in passing. Included is a listing of the assessed property values and population of each area highlighted on the map.

If incorporation and annexation of the unincorporated area were to proceed on a piece-meal basis, there is a risk that:

- remaining unincorporated area residents would continue to be faced with a dilution or debasement of their vote.
- the County Commission will still be involved with, and spending time on, zoning decisions when they should be focusing on metropolitan issues.
- deteriorating pockets of poor communities without sufficient tax base to help themselves could be created.
- economies of scale that exist in providing services to the unincorporated area could be diminished at the same time the tax base is being reduced, thereby leaving the County Commission with an inability to provide necessary services at the same millage rate.

As stated in the Overall Recommendations section (page 7), the Committee recommends developing a comprehensive plan for the unincorporated area. The Committee, however, was evenly divided on whether or not to allow incorporations to proceed on a case-by-case basis during the development of that plan.

2. What would be the benefit to creating limited purpose municipal unit service areas (LPMU) within portions of the unincorporated?

Typically a LPMUs is seen as a low-overhead city responsible for such things as local specified zoning, capital improvements determination, neighborhood planning, and establishment of special taxing districts so an area can purchase a higher level of service than the base provided by the County. The majority of the Committee does not feel the creation of Limited Purpose Municipal Units is the most suitable alternative for governing the unincorporated area and their creation is therefore not recommended by the Committee. The creation of LPMUs, which would use existing unincorporated area services governed by the County Commission, would not address the concern that an unincorporated area resident's vote is diluted by municipal residents.

3. Should Charter provisions relating to municipalities be changed? Should there be an ordinance specifying incorporation procedures?

The County Charter currently provides that the Board of County Commissioners, and only the Board may authorize the creation of a municipality. Before giving authorization the Board must hear recommendations of the Planning Advisory Board, and conduct a public hearing. There must also be an affirmative vote of the majority of electors residing within the area proposed for incorporation prior to the Commission authorizing the creation of a new municipality.

Although the Code of Metropolitan Dade County provides for a detailed procedure for annexation proposals (Chapter 20), the Code is silent on municipal incorporation. In the absence of a clear procedure for processing incorporation proposals, the three incorporation proposals that have been proposed (Islandia, New City, and Key Biscayne) have each been processed slightly differently.

It is recommended that an amendment to Section 5.05 of the Dade County Charter be put before the voters so as to include the following steps for the creation of new municipalities:

1. The creation of a new municipality may be initiated by the Board of County Commissioners, or by citizens who submit an incorporation proposal to the County Commission, together with a petition supporting that proposal signed by 10% of electors in the area proposed for incorporation.
2. The County Commission shall then require that a complete and full analysis of the incorporation proposal and its impact on the residents of the proposed area, as well as the remaining unincorporated area, be conducted and completed within 180 days of the date the proposal and petition were submitted to the County Commission.
3. The County Commission must then conduct at least two public hearings concerning the proposal within the area requesting incorporation.
4. The County Commission must then conduct an election based on criteria outlined in the County Code.
5. If such an election results in an affirmative vote of a majority of the electors voting and residing within the proposed incorporation boundaries, then the Board of County Commissioners shall authorize the creation of the municipality upon approval of its municipal charter.
6. The Board of County Commissioners shall then appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03 of the Metropolitan Dade County Charter.
7. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida.

It is also recommended that the County Commission adopt an ordinance for processing incorporation proposals. This ordinance should closely track the County Code concerning processing of municipal boundary changes (Section 20-4). It should also include the steps set forth in County Attorney Opinion 63-151. The basic steps which the Committee recommends for the ordinance are outlined in Attachment 10.

There were questions raised during the recent Village of Key Biscayne incorporation process which should also be addressed in the County code. Some examples of the questions raised are listed below:

- Should the newly incorporated area or the remaining unincorporated area be entitled to receive certain revenues collected within the boundaries of the new municipality (utility taxes, franchise fees)?
- What should be the effective date that the municipality should begin receiving the revenues it is determined they are eligible to receive?

- Should the newly created municipality be required to take with it a “fair share” of the indebtedness incurred while the area was part of the unincorporated area?
- Who should be responsible for the costs of performing the necessary analysis concerning incorporation, educating the public, and paying for the necessary elections?

4. Should existing Charter provisions relating to annexations be changed? Should there be any changes to the ordinance concerning annexation procedures? What areas, if any, of unincorporated Dade County which are surrounded by or contiguous to existing municipalities should be annexed by those municipalities?

Annexations

In the last 30 years, there have been 33 annexations covering 7,180 acres. In the last 10 years there have been 10 annexations covering 1,282 acres. Most of these annexations involved individual parcels. One hundred percent of the annexation requests submitted to the Planning Department since 1982 have been approved.

The current Charter and County Code provisions concerning annexations are clear as far as process and procedure, and no technical changes are recommended. The Committee recommends that a full analysis be conducted of the bond repayment-related implications of allocating utility and franchise fees collected from an annexed area to the municipality. If legally permissible, it is recommended that these fees should be allocated to the municipality to allow them sufficient funds to provide services.

The Committee does not recommend any specific annexations as there was not evidence through the public hearings of overwhelming community support for such actions. Those communities which did express an interest in annexation did not present sufficient financial and services related information for the Committee to make recommendations. While the Committee recommends that an overall plan for the unincorporated area be developed (as stated in the Overall Recommendations section, page 7), the Committee does recommend that annexations continue to be reviewed on a case-by-case basis until the overall plan is developed.

The Committee recommends that annexations be prohibited outside the urban development boundary. The Committee further recommends that agriculturally zoned lands be preserved as such wherever possible.

Any consideration of incorporation of the unincorporated area, and establishing the second tier of local government in the unincorporated area, should examine the enclave areas for consideration of annexations to existing municipalities. A 1987 study by the County identified 14 enclave areas, that is, unincorporated areas surrounded on three (3) or more sides by municipalities (Attachment 11). If additional annexations were planned and desired, these areas would be a good starting point. Under the current procedures, the Board of County Commissioners can initiate a study of these areas. The Committee endorses a four (4) step process in evaluating possible annexations of these enclave areas and other possible areas for annexation:

1. The County and the municipality interested in annexing a particular area should valueate the cost and level of services currently provided in the area.
2. The County and municipality should enter into an interlocal agreement which would allow the municipality to provide the services to the area and receive compensation from the County.
3. The citizens should be provided a full and complete cost/benefit analysis of the impact of being annexed.

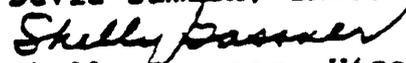
4. As provided in the County Code, a vote of the people in the area proposed for annexation must be conducted to give final approval or disapproval to the annexation proposal.

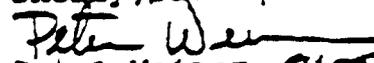
Separations/Deannexations

The Committee also recommends that the concerns of municipal area residents be addressed. Some of the same concerns that the Committee found related to the unincorporated area (zoning and land use planning decisions not being made in concert with local area desires, lack of responsiveness, need for self-determination) were also found to relate to the larger municipalities in the County. For example, in a November 1991 election held in Coconut Grove, residents were asked if they would prefer to withdraw, or separate, from the City of Miami if they could be assured that their taxes would not increase and they would receive an equal or better level of service. Seventy-eight percent (78%) of the voters who cast ballots in that election responded that they would prefer to withdraw from the City of Miami. The current deannexation procedure requires that the municipal commission must approve the proposal. The Committee, after extensive discussions, voted in favor of the concept of modifying Section 5.04(B) of the Charter to allow residents of a larger municipalities the right to proceed with a separation/deannexation proposal without requiring the approval of the effected municipality. Further, the Committee voted to recommend that if an area which includes at least 5,000 electors, in a city which has at least 50,000 electors, wishes to go through the process of deannexation/separation (boundary change), the approval of the affected municipal governing body should not be required. Consistent with the Committee's overall recommendation that the entire unincorporated area become incorporated either through annexations by neighboring municipalities or incorporations, any separation/deannexation proposal should provide that the area become a municipality or is included within an existing municipal unit, to prevent it from becoming unincorporated.

This final report is submitted by the Dade County Citizens' Advisory Committee on Countywide Incorporation.

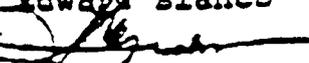

David Samson, Chair

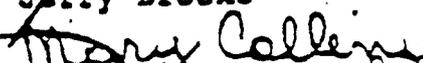

Shelly Gassner, Vice-Chair

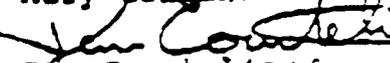

Peter Weiner, Vice-Chair

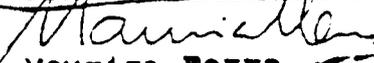

Gary Begliabter


Edward Blanco


Jerry Brooks

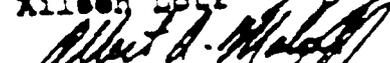

Mary Colinas


Fern Courtalis


Maurice Ferre


Mayor Robert Duggan


Aileen Lotz


Albert Maloof

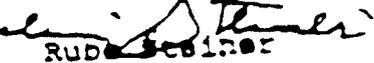

Clark Mazzia


Lloyd Miller


Scott Williams


Brian Pariser


Patricia Rogers-Libert


Rube Scobier

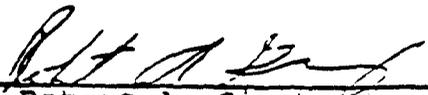
TO: Hon. Mayor and Members
Board of County Commissioners

DATE: February 5, 1991

SUBJECT: Resolution creating
Citizens' Advisory
Committee on county-wide
incorporation

FROM: Robert A. Ginsburg
Dade County Attorney

The attached resolution was prepared and placed on the agenda at the request of Commissioner Dusseau and Commissioner Teele.



Robert A. Ginsburg
Dade County Attorney

RAG/rk
Attachment

MEMORANDUM

Agenda Item No. 11.11.11

Honorable Mayor and Members
Board of County Commissioners

DATE: December 13, 1970
SUBJECT: Incorporation

Charles M. Bureau
County Commissioner

Recent events in Dade County have caused many neighborhoods to begin to discuss the possibility of incorporation of their particular areas. The citizens of these neighborhoods are to be congratulated for their initiative and concern for their community. Their concerns result from the feeling that the needs of their communities are not being met. As the elected representatives of these communities, we cannot, and should not, ignore either the perception or reality of the inadequacy of County Government in meeting the needs of these communities. We must address this growing discontent in a comprehensive fashion. We must act in a proactive and not a reactive fashion.

Accordingly, I would recommend that the Commission create a committee on incorporation to address this situation. The committee should, among other things, address the following issues:

- 1) What areas of unincorporated Dade County which are contiguous to, or in some cases surrounded by, existing cities should be annexed by those cities?
- 2) Should the existing procedures for establishing new cities or annexation which are in the Charter be modified by the electors of Dade County?
- 3) What would be the impact of incorporating only a portion of unincorporated areas on the area left unincorporated? Should incorporation only be considered if all the unincorporated areas are done at once?
- 4) Other areas of concern which the members of the Commission or the committee may feel appropriate.

The committee would be charged with holding sufficient public meetings in accessible locations throughout the County and at convenient hours to permit optimal participation by the public. The committee should report back to the Commission with at least preliminary findings, after a full analysis of the issues relating to incorporation within six months after the committee begins its deliberations.



RESOLUTION NO. 2-105-91

RESOLUTION CREATING CITIZENS' ADVISORY
COMMITTEE ON COUNTY-WIDE INCORPORATION;
PROVIDING PURPOSES; PROVIDING FOR MEMBERSHIP;
PROVIDING FOR TERMINATION AND SUBMISSION OF
WRITTEN REPORT; AND PROVIDING FOR PUBLIC
HEARINGS

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE
COUNTY, FLORIDA:

Section 1. There is hereby created a Dade County
Citizens' Advisory Committee on county-wide incorporation
consisting of 18 members. Committee members shall be appointed
by resolution of the County Commission.

Section 2. The committee is created for the specific
purpose of "fully analyzing all issues relating to the possible
incorporation of various areas of the County." The committee
shall hold public hearing throughout the County at convenient
times and locations to encourage optimal participation by the
public. The committee shall conclude its deliberation by
August 1, 1991, and shall submit a written report of its
findings, conclusions and recommendations by September 16, 1991.

Section 3. The committee's deliberation should include,
but not be limited to, the following:

A. Should the existing Charter provisions relating to
municipalities and annexation be changed?

B. Should the current provisions relating to annexation
and incorporation procedure be made more specific by ordinance?

C. Should current proposals relating to incorporation be considered only if all unincorporated areas are addressed at once and what would be the impact of incorporating only a portion of the unincorporated areas?

D. What areas, if any, of unincorporated Dade County, which are surrounded by or contiguous to existing municipalities, should be annexed by those municipalities?

E. Would there be any benefit to creating limited municipal service areas within portions of the unincorporated areas?

Section 4. All committee meetings shall comply with the "government in the sunshine" requirements of Chapter 286, Florida Statutes, and all materials received or generated by the committee in carrying out its responsibilities are "public records" pursuant to Chapter 119, Florida Statutes.

Section 5. The County Manager, County Attorney and Clerk of the Board of County Commissioners shall provide appropriate staff support to the committee.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mary Collins
Charles Dusseau
Joseph M. Gersten
Larry Hawkins
Alexander Penelas
Harvey Ruvin
Arthur E. Teele, Jr.
Sherman S. Winn
Stephen P. Clark

The Mayor thereupon declared the resolution duly passed and adopted this 5th day of February, 1991.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

MARSHALL ADER, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as to
form and legal sufficiency. 

MINORITY REPORTS

27720 S. W. 197 Avenue
Homestead, FL. 33031

February 10, 1992

TO: David Samson
Chairman
Citizens Task Force - Incorporation

I believe the general lack of knowledge on the Committee with regard to the Growth Management Act, The Comprehensive Development Master Plan, Neighborhood Studies and the Urban Development Boundry Line contributed to what I consider to be an incomplete and potentially damaging report.

First, I do not agree that there exists a mandate or demand for the sort of two tier government specified by a majority of the Committee.

Second, I am put off by folks who insist that I will be required to live in some sort of city whether I choose to do so or not, simply so they can express their desire for the so-called two tier government. I am particularly put off when committee members who now live in cities of which they may not be too fond also insist that I must live in a city of their choosing.

It shouldn't be necessary to remind anyone that those of us who live in the unincorporated area moved there because we DIDN'T WANT to live in a city. Who then is this committee to now tell us we didn't know what we wanted and we really need to live in a city.

The yak about two tier government arises from the same complaints that created the city of Key Biscayne and caused wholesale changes in the Commission make-up.
ZONING.

If members of past and present County Commissions had made zoning decisions based upon what is best for the community, instead of allowing themselves to be maneuvered by the exigencies of the reelection process the city of Key Biscayne wouldn't exist and all the hype about two tier government wouldn't be.

Judging by zoning decisions of the past year a majority of the Commission still doesn't intend to make those decisions for the good of the whole. That majority also has members who owe their position to the fact past zoning decisions caused an opening for them.

In desperation many have suggested removing the zoning process from the Commission, setting up district zoning boards, forming new cities or now annexations and some sort of giddy incorporation.

I, for one, am all for continuing to vote out of office unfit Commissioners until perhaps some sweet day we'll be blessed with nine members whose interest is something other than self.

I also served on a Charter Review Committee and during the public hearings of that time and this, I heard very few complaints from people in the unincorporated area and perhaps only two who expressed desire to become a city. Yet, now comes this committee and recommends the incorporation of the entire unincorporated area through annexations or the formation of one or more new cities.

February 10, 1992

Page 2

Totally ignored was the unreality of dividing the agricultural industry among several or more of the new second tier city governments, each of which could enact its own CDMP and zoning decisions. If there ever was a blueprint for the destruction of that industry, this is it. The Committee members wouldn't even entertain a notion of prohibiting cities outside the U.D.B. They entertain a quaint notion that we can divide the farmland into various municipal units but instruct the present County Commission to retain control of the U.D.B.

The suggestion that we allow annexations to gobble up great chunks of the unincorporated area so as to get rid of what seems to be considered by some an onerous unfixable present government, certainly plays into the hands of local pols.

Our Committee held considerable discussion on the method of incorporating new municipalities which included initiative by local citizens, review by Planning and P.A.B., town meetings, Charter preparation, density requirements and elections. Yet the same committee flat out recommended the creation of one or more municipal units without a word as to whether the people who would be affected would have an opportunity to say no and without regard to State requirements for the incorporation of cities.

The majority expressed sympathy for the residents of Coconut Grove by suggesting there should be a sort of de-incorporation or secession procedure. Yet, in effect, they suggest the incorporation of the unincorporated area without the participation of the citizens.

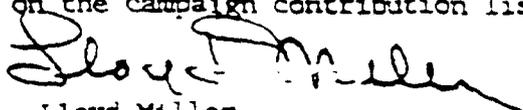
Bad zoning has been the basic complaint which has generated ninety percent of the furor now and before. Perhaps some of that can be mitigated by the suggestion that the Z.A.B. be composed of members only from the unincorporated area. It is well to note in this regard that probably seventy-five percent of the zoning items to be considered are located south of S. W. 40th Street, so perhaps more members of the Z.A.B. should be appointed from the South Dade area. Also, perhaps the residents should have some input as to who those appointees should be.

Commission appointments to Advisory Boards are often as incomprehensible as the zoning decisions. Example, on this Committee there was no one from the agricultural area until I asked Commissioner Wirm to appoint me. Only two of us were appointed from the area south of South Miami and we both had to ask to be appointed.

All of us could hope that this and future Commissions would give more thought and consideration to appointments to boards and committees.

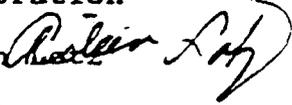
I harbor no illusions that a majority of this Commission will do the one thing necessary to restore faith in County government and that is to create reform to the election process.

For the many years I have observed County government, the process has been fueled by campaign contributions from the development industry and that hasn't changed. While the recent court decision may reduce the verbal lobbying, it will not diminish the influence of those dollar numbers on the campaign contribution list.


Lloyd Miller

January 30, 1992

TO: David Samson, Chair
Dade County Citizens' Advisory Committee on Countywide
Incorporation

FROM: Aileen 

RE: Final Report, a minority viewpoint

Our committee's final report emphasizes, as have several others in past years, that "something" be done to extend the concept of two-tier metropolitan government (which applies to citizens who reside in our municipalities) to residents in the unincorporated area.

I strongly agree with the thrust of this committee's final report: that Dade County's two-tier metropolitan form of government should be fully implemented. However, I have sufficient reservations to several specific recommendations in the final report to prompt my expression of a minority viewpoint of which the committee is cognizant.

Extension of two-tier metropolitan government

Issues of local concern (which are dealt with by city, town or village councils), are, for the majority of Dade's citizens who live in the unincorporated area, arbitrated and legislated by the County Commission. I believe, along with other committee members, that this results in a disservice to all citizens for such local issues divert the attention of the County Commission from matters of metropolitan concern.

I support the concept of extending the second (municipal) tier of metropolitan government, but only to the developed portion of the unincorporated area, that area lying within the Urban Development Boundary line. I do not believe it is practical to consider municipalizing the entire unincorporated area. The area beyond the UDB is sparsely developed; the major portion is the Everglades; and much of it is under the control of the federal and state governments.

This means that under the committee's over-all proposal for extending the two-tier concept, that the County Commission would retain some residual zoning responsibilities beyond the UDB, but it is in these marginal areas that I believe the County Commission can best blend the interfaces of localized zoning with the broader countywide planning issues.

PETER N. WEINER
ATTORNEY AT LAW
3041 N.W. 7th STREET
SUITE 100-B
MIAMI, FLORIDA 33125

TELEPHONE (305) 541-2506

FAX (305) 649-3507

Feb. 12, 1992

Martha Lide
County Manager's Office
Metro-Dade County
1st Floor
1 N.W. 1 Street
Miami, Fla. 33128

Re: Report on Incorporation

Dear Ms. Lide:

As a member of the Countywide Committee on Incorporation, I believe that the final report voted on by the Committee on Feb. 5, 1992 is a consensus of the various members after an arduous 12 months of meetings, hearings and debates.

However, I personally have some concerns regarding several of the recommendations of the Committee and would like to take this opportunity to voice those concerns. Although I voted with the majority of the Committee on approval of the final form of the report, I believe that certain recommendations are not in the best interests of the citizens of the County.

Specifically, I believe the concept of regional zoning boards is an illegal delegation of authority from our duly elected County Commissioners and would create a parochial and short-sighted attitude if implemented. In addition, elected regional zoning boards would worsen rather than improve what the Committee perceived as a major problem in the current system.

In addition, I would encourage the incorporation of "self-sufficient" and autonomous communities such asventura, Sunny Isles, California Club and other similar neighborhoods if the parameters outlined in the report are met. I endorse the concept of creating a second tier of government for the unincorporated area as the Committee indicated.

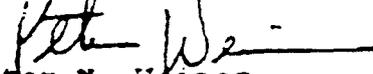
I would hope that the Mayor and Commission will take the opportunity to review the report and take the appropriate action to implement the recommendations as well as consider the above-referenced comments. I appreciate the opportunity of serving on this Committee and want to complement Dave

Ms. Martha Lide
Feb. 12, 1992
Page 2

Samson as Chairman of the Committee for keeping the Committee on task during this arduous process. All members of the group deserve credit for the endless hours spent in hearings, meetings and discussions. I would also like to thank the staff, especially Martha Lide and Allan Bly, for their input and direction.

The document to be presented to the Mayor and Commission on Feb. 18, 1992 reflects the input of citizens from throughout Dade County. I highly endorse the conclusions and recommendations with the exceptions of regional zoning boards. I look forward to my involvement in future decisions affecting this process.

Very truly yours,



Peter N. Weiner

COMMITTEE MEMBERS

David Samson, Chair
Shelly Gassner, Vice-Chair
Peter Weiner, Vice-Chair
Gary Bagliebter
Edward Blanco
Jerry Brooks
Mary Collins
Pan Courtelis
Maurice Ferre
Mayor Robert Ingram
Aileen Lotz
Albert Maloof
Clark Merrill
Lloyd Miller
Scott Mittleman
Brian Pariser
Patricia Rogers-Libert
Rube Steiner

COMPARISON OF PROPERTY TAXES
FISCAL YEAR 1991-92 ADOPTED MILLAGES
BASED ON A HOME ASSESSED AT \$126,000 WITH A \$28,000 HOMESTEAD EXEMPTION

	MIAMI	MIAMI BEACH	CORAL GABLES	MIACLEAH	MIAMI SHORES	SOUTH MIAMI	OPA-LOCKA	MIACLEAH	GARDENS
TYPE OF TAX LEVY									
COUNTYWIDE	\$730.80	730.80	730.80	730.80	730.80	730.80	730.80	730.80	730.80
FIRE DISTRICT	\$228.10	0.00	0.00	0.00	228.10	228.10	228.10	228.10	228.10
LIBRARY DISTRICT	\$38.10	38.10	36.10	0.00	0.00	36.10	0.00	36.10	36.10
ENV. LANDS (2 YEAR TAX)	\$76.00	76.00	76.00	76.00	76.00	76.00	76.00	76.00	76.00
PUBLIC SCHOOLS	\$668.30	668.30	668.30	668.30	668.30	668.30	668.30	668.30	668.30
MUNICIPAL OPERATING	\$236.00	974.30	406.20	727.20	799.00	641.10	816.00	600.00	600.00
MUNICIPAL DEBT SERVICE	\$0.00	230.00	16.00	0.00	0.00	0.00	20.00	0.00	0.00
WATER MGT. DISTRICT	\$64.70	64.70	64.70	64.70	64.70	64.70	64.70	64.70	64.70
F.I.M.D.	\$6.30	6.30	6.30	6.30	6.30	6.30	6.30	6.30	6.30
COUNTY DEBT SERVICE	\$116.00	116.00	116.00	116.00	116.00	116.00	116.00	116.00	116.00
SCHOOL DEBT SERVICE	\$42.10	42.10	42.10	42.10	42.10	42.10	42.10	42.10	42.10
TOTAL PROPERTY TAXES	\$2,300.40	\$3,126.33	\$3,126.80	\$2,624.40	\$2,924.30	\$2,601.60	\$3,074.90	\$2,760.40	\$2,760.40
						(168.60)*			
						\$2,892.00			

* THIS DEDUCTION REPRESENTS THE PROPERTY TAX SUPPORT FOR WASTE COLLECTION WHICH IS A SEPARATE FEE IN OTHER MUNICIPALITIES
PROPERTY TAX NUMBERS EXCLUDE FEES AND SPECIAL ASSESSMENTS WHICH MAY APPEAR ON THE TAX BILL