

**SOUTH MIAMI DADE WATERSHED STUDY ADVISORY COMMITTEE
Meeting Eleven**

March 21, 2003
8:30 a.m. - 12:00 p.m.

**1st NATIONAL BANK OF SOUTH FLORIDA
HOMESTEAD, FLORIDA**

Report of Proceedings

CHAIR'S WELCOME/AGENDA REVIEW

The Chair, Roger Carlton, who welcomed everyone, opened the meeting. The meeting was held in the Pioneer Room at the First National Bank of South Florida in Homestead. Committee Member, William "Bill" Losner, was thanked for sponsoring the day's refreshments and providing the facility.

Members Present:

Roger Carlton, Chair
Richard Alger, South Florida Potato Growers Exchange
Humberto P. Alonso, Jr., South Florida Water Management District
Daniel Apt, Florida Department of Environmental Protection
Linda Canzanelli, Biscayne National Park
Carlos Espinosa, Miami Dade DERM
Dick Frost, Tropical Audubon Society
John Hall, Florida Engineering Society
Robert Johnson, Everglades National Park
Louise King, Redland Citizens' Association
William Losner, Homestead/Florida City Chamber of Commerce
Reed Olszack, Miami-Dade Agricultural Practices Board
Thomas MacVicar, Florida Lime and Avocado Committees
Lawrence Percival, Kendall Federation of Homeowner Associations
Roy Phillips, At Large
Lee Rawlinson, Miami Dade Planning and Zoning Department
Bonnie Roddenberry, Sunny South Acres Homeowner's Association
Charles Thibos, Tropical Everglades Visitor Association

Mr. Carlton explained the absence of the Committee's Facilitator, Janice Fleischer, due to a death in her family. Mr. Carlton then discussed the objectives of the meeting, which were the following:

- To discuss the land acquisition and property rights concerns of the Committee members
- To decide on Committee members' roles and responsibilities in connection with the Outreach component of the Study
- To decide on a Committee policy for members' roles in the event of a conflict taken between a position taken by the Committee and that of a member's stakeholder group

A copy of the Objectives and Agenda are attached as Exhibit A.

All Reports of Proceedings of the Committee, Discussion Guidelines and Committee related information, can be found on the SFRPC website at www.sfrpc.com/intstitute.htm "Projects", then "The South Miami Dade Watershed Study Advisory Committee".

LAND ACQUISITION AND PROPERTY RIGHTS - AN OPEN DISCUSSION

Mr. Carlton explained that this section of the meeting would be devoted to continuing a discussion by Committee members of land acquisition and property rights issues that had begun at the previous meeting held on February 20, 2003. During the initial discussion at the February meeting, it was apparent that these issues were important to Committee members and required more time than could be allowed during that meeting. Lee Rawlinson, Miami Dade County Department of Planning and Zoning, introduced Joni Armstrong-Coffey, Esq. from the Miami-Dade County Attorney's Office who made a brief presentation on the constitutional origins of property rights law and practice by the County. Mrs. Armstrong-Coffey spoke about the distinctions between land regulation, physical invasion, and eminent domain (the taking of private property by a public agency to benefit a public purpose with compensation to the owner). Following her presentation, the floor was opened to discussion by the Committee members. The following comments were recorded:

1. Need to communicate future restrictions/takings to property owners, etc.
2. Notify property owners about process and keep updated
3. Perhaps government should draw a line and buy land
4. Create map and set priorities for acquisition, make it accessible to public on internet
5. South Florida Water Management District uses Save Our Rivers and Florida Forever and County's Environmentally Endangered Lands programs to fund land acquisitions under a different set of criteria
6. There is a meeting on Monday, March 24, to inform property owners within conceptual boundary for Biscayne Coastal Wetlands
7. Importance for open, coordinated process to preserve trust between property owners and the government-this is an emotional issue/encourage compatible uses
8. Biscayne National Park would like a partnership with federal/state/local/non-profits to purchase rights to protect the Bay and owner's rights/ protect farming
9. No obstacles to a variety of uses on land-let's wait until all information is available and all stakeholders are heard and considered
10. Alternatives to land acquisition need to be explored
11. Different properties with different characteristics should be approached with different solutions
12. Many property owners are not on the web/don't have computers, etc.-can't keep informed by this group due to use of website reporting, etc.- they need regular communication "in plain English" to help property owners understand their options/ we need to find a balance between development/ agriculture/ environment and communicate it
13. Need to distinguish between inverse condemnation/compensatory taking
14. Confident we will address all these issues in the study-not in the abstract
15. Create zoning/land use class for environmentally valuable land
16. Need to submit lists of property owners to be kept informed

This discussion was closed and followed by a fifteen -minute break.

STUDY OUTREACH COMPONENT AND COMMITTEE MEMBER RESPONSIBILITIES- A POLICY DISCUSSION

Committee members were asked to give their thoughts on their responsibilities during the Outreach portion of the Watershed Study. The following comments were made by Committee members and are focused more on suggestions for the Consultant to create a meaningful outreach program:

1. Great challenge to reach all homeowners association/needs coordinated effort
2. Need to focus on how homeowner's associations should organize themselves to distribute/review information.
3. Should money be used to produce T.V. coverage? If so, start process now/put this idea before the commission/ get footage "as you go"
4. In order to do T.V coverage, you would need extra money from a grant
5. Committee members at Technical Review Committee meetings should represent their constituent groups, not the Committee

PUBLIC COMMENT

Mr. Carlton opened the floor to public comment at this point in the meeting. The following comments were received:

1. The Committee makes public participation difficult by meeting early in the morning in South Dade and having long breaks without the public invited (lunch)¹
2. Use the "Neighbors" section (of the Miami Herald) to enlarge coverage
3. Utilize other community papers

COMMITTEE POSITIONS AND POTENTIAL CONFLICT WITH MEMBER STAKEHOLDER GROUPS- A POLICY DISCUSSION

The final topic of discussion for the day concerned Member's representation of their constituent groups when they appear at other meetings where Watershed issues are raised. After some initial confusion as to what was being asked, it was further explained that members were being asked to discuss what happens when the stakeholder group which a Committee member represents decides to take a different position to the one agreed to by that same member in the Advisory Committee's consensus-based decision making. The comments were as follows:

1. Disclose which organization you represent at a public meeting.
2. Committee should not be blindsided by opposing positions by committee members at public meetings.
3. Opposition should be raised at Watershed Committee meeting first.
4. Would Committee members need to register as lobbyists to speak at Commission meetings?

¹ Reporter's note: This Committee has no budget for food; therefore, Committee members have volunteered to take turns feeding their colleagues on the Committee. As cost is a concern to those hosting, it has always been the policy of the Committee to feed only Committee members and staff, not Observers.

5. Should there be consistency between committee positions and visions expressed at future charrette in the communities?

While not specifically answering all the questions raised by Committee members, it was decided that when in another meeting, Committee members should identify themselves as speaking on behalf of their constituent group and not on behalf of the Watershed Committee.

ADJOURN

The meeting was then adjourned.