

TOWN OF DAVIE
U.S. DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS
WORKSHOP MEETING
FEBRUARY 19, 2014

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 4:33 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Caletka and Councilmembers Hattan, Luis and Starkey. Mayor Paul arrived at 4:37. Also present were Town Administrator Lemack, Town Attorney Rayson and Acting Town Clerk Roig recording the meeting.

3. U.S. DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

Intergovernmental Affairs Coordinator Mitch Taylor gave a Power Point presentation regarding the Seminole Tribe's request to put the Stirling Road Mobile Home Park in their land trust, which the Town opposed. He described the service the Town provided to the area and the impact the area had on the Town's ad valorem revenue. Assistant Town Attorney and Police Legal Counsel Danny Stallone continued the presentation, describing types of tribally-owned land and points Council should consider.

Mr. Rayson had spoken with Randall Trickey, who had signed the letter the Town received requesting input. Mr. Rayson said no decision had been rendered yet. Mr. Trickey had asked the Tribe to respond to the Town's concerns but this had not been done yet. He stated this request was being process under Title 25 of the Code of Federal Regulations 151 subsection 10, which was for a light use property, meaning it would not be utilized for a casino. It was possible the tribe could request processing the property for a casino in the future, but this process would take three years.

Mr. Rayson believed the Bureau of Indian Affairs (BIA) would approve the application for housing. If the Town objected to this, they could appeal to the Interior Board in Washington D.C. and then to the U.S. District Court. Mr. Trickey had indicated that if the Tribe did not respond to the Town's concerns, he would inform them that he would set a deadline, after which he would dismiss the petition if there was no response. Mr. Rayson stated the Town had a legitimate grievance regarding the loss of ad valorem tax revenue. They were also permitted to enter into an interlocal agreement with a Tribe whereby the Tribe agreed to pay for services and the loss of tax revenue. Mr. Rayson felt the Town could accomplish this and meanwhile seek a covenant that the property would be used only for housing.

Mr. Rayson informed Councilmember Starkey that the Town could have jurisdiction over the property for code enforcement as part of an interlocal agreement. Councilmember Starkey thought they should only go forward if there were an interlocal agreement that would make the Tribe responsible for ad valorem taxes and for keeping to the Town's codes.

Mayor Paul recalled that Coconut Creek had such an interlocal agreement with the Tribe.

Vice-Mayor Caletka was concerned that the interlocal agreement would take away the Town's control over density or special events permits. He wanted to "object the whole way, kicking and screaming, if possible." Vice-Mayor Caletka wanted the Tribe to show more good faith with their existing casino that caused noise problems for residents. An interlocal agreement would be a last resort for Vice-Mayor Caletka.

Mr. Rayson felt the BIA would approve the application and the Town should pursue the interlocal agreement before the land was placed in a trust.

Mayor Paul feared a domino effect, with the Tribe purchasing other properties and thought they could not keep entering into several interlocal agreements. She did not agree they should enter into an agreement before the Tribe responded to their concerns and wanted the Tribe to understand they the Town could not keep losing land.

Councilmember Luis asked about the likelihood of the Town winning an appeal with the BIA. Mr. Rayson said in his legal opinion, there was likelihood that the BIA would accept the process unless the Town put up a very strong case against it.

Councilmember Luis recommended the Town contact the Tribe and try to develop a relationship.

Councilmember Starkey pointed out that the Town had also lost housing stock when the Tribe purchased the land and they could send another letter outlining their affordable housing needs. This might prompt the Tribe to respond to the first letter.

Vice-Mayor Caletka wanted to continue to monitor the situation, contact the Tribe and not initiate an interlocal agreement.

Mr. Lemack confirmed that Council wanted to wait to see what the Tribe's intention was regarding use of the land before taking any action. Mr. Rayson wished to contact Mr. Trickey to request a copy of the Tribe's response to the Town's concerns and Council agreed.

Omar Franco, the Town's federal lobbyist, advised Council to wait for a response from the Tribe; he was not sure they would respond. He advised against sending a second letter but favored having Mr. Rayson contact the BIA. If the Tribe responded, they could begin an informal dialog.

Mayor Paul wished Mr. Franco to contact the BIA to let them know the Town's concerns and to request time after the response before the BIA made a decision. Mr. Franco agreed to contact the BIA and let them know the Town was "downright opposed" to the request.

4. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 5:10 p.m.

Approved _____

Mayor/Councilmember

Acting Town Clerk