



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Metro Miami Action Plan Trust

Office of the Metro Miami Action Plan Trust
19 West Flagler Street
Mezzanine Room 106
Miami, Florida 33128

September 19, 2007

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OFFICIAL MINUTES
METRO-MIAMI ACTION PLAN TRUST
MEETING OF SEPTEMBER 19, 2007

The Metro-Miami Action Plan Trust (MMAP) convened a meeting at the Office of MMAP Trust Board Room, 19 West Flagler Street, Mezzanine Room #106, on September 19, 2007 at 12:00 Noon, there being present: Chairperson John T. Jones, Jr. and Members: Mr. Arthur J. Barnes, Ms. Beverly Kovach, and Mr. Herbert Robinson, Ms. Veldrin Freemon (Members: Mr. Tony E. Crapp, Jr., Dr. Marzell Smith and Mr. Daniel A. Wick, Jr. were late; Members: Ms. Marie B. Hyppolite, Mr. Kuehne P. Benedict and Ms. Greicy Lovin were absent).

ROLL CALL:

Staff members present were: Mr. Milton Vickers, Executive Director; Mr. John Dixon, MMAP Trust Deputy Director; Mr. William Simmons, Mr. Eric Johnson, Ms. Joann Hicks, Mr. Jose Gonzalez; and Deputy Clerk Karen Leonard.

Also present were Commissioner Audrey M. Edmonson and Commission District 3 staff members; Senior Advisor to the County Manager Ms. Cynthia Curry; and Mr. Jose Perez de Corcho, Project Director, Sailboat Cove.

DISCLOSURE OF CONFLICTS OF INTEREST

QUERY FOR EARLY DEPARTURES

MOTION TO SET THE AGENDA:

Chairperson Jones noted the following item would be added to the agenda: Agenda Item I.A.7., Florida Memorial Entrepreneur Institute, followed by an introduction of Commissioner Audrey Edmonson.

Miami-Dade County Commissioner Audrey Edmonson (District 3) appeared before the Trust and noted that the main focus during the fight for MMAP was to maintain its current structure; however, many concerns were expressed. She also noted the Office of the County Attorney requested an explanation regarding a resolution sponsored by the Economic Development and Human Services Committee (EDHSC).

Commissioner Edmonson expressed concern that Trust members had not appeared before the EDHSC meeting or attend the Sunshine meetings. She noted the County had proposed different criteria concerning the MMAP Trust and staff. Commissioner Edmonson pointed out that inquiries were made regarding Trust members providing input, during two Sunshine meetings and two EDHSC meetings,

Commissioner Edmonson noted Assistant County Attorney Terrence Smith would provide a brief overview of the EDHSC's proposal and Senior Advisor Cynthia Curry would present the County Manager's recommendations that would be forwarded to the Board of County Commissioners.

In response to Chairperson Jones' comment regarding Trust members not being notified of the public hearings, Commissioner Edmonson pointed out that the MMAP Trust had an Executive Director for that purpose and all public hearings were publicly posted.

Assistant County Attorney Terrence Smith noted he was representing Assistant County Attorney Shannon Summerset. He provided a brief overview of the Sunshine meeting followed by an EDHSC meeting that were held on August 22, 2007 during which a public hearing was held regarding this ordinance that would be set for first reading before the Commission.

Assistant County Attorney Smith presented a brief overview of the EDHSC's proposed changes to the governing ordinance related to the MMAP Trust attached to the memorandum dated September 12, 2007 from the County Attorney's Office. He reviewed Section 2-502 entitled "Governing Body Section Sub-Paragraph A" recommending a reduction in the Trust's membership from 21 to 15 voting members. He noted the EDHSC also recommended Section 2-503A be changed to provide that the nominating council be comprised of five (5) voting members to include: the Trust Chairperson; the Chair of the Economic Development Committee; and three members appointed by the Chairman and ratified by the members of the Board of County Commissioners.

Assistant County Attorney Smith noted that the nominating council members' terms of service would be limited to 3 years, but not to serve more than two consecutive years and each year to be completed as set forth in Section 2-503D. Proposed changes to Sub-paragraph D of the Ordinance provided that the Trust members would serve no more than two consecutive years unless authorized by a two-thirds vote from the full membership of the Board of County Commissioners. Assistant County Attorney Smith read the last proposed change related to Section 2-505 "Organization Staff on Support" in "Sub paragraph E" provided that the Trust would present quarterly financial reports including current statements of all accounts to the Commission Auditor and an assessment of each agency funded by the Trust.

Assistant County Attorney Smith noted the MMAP staff had additional recommendations that would go before the Board of County Commissioner.

Ms. Cynthia Curry, Senior Advisor to the County Manager noted the proposed ordinance was presented before EDHSC during a Sunshine meeting held on August 22, 2007, and was presented before the Board of County Commissioners on September 4, 2007. Subsequently, at the September 12, 2007 public hearing, the EDHSC requested this ordinance be deferred in order for the MMAP Trust to be present.

Ms. Curry referred to a memorandum from County Manager George Burgess dated August 30, 2007, that was issued to the Board of County Commissioners and entitled "Ordinance Amending Miami Dade County Code Relating to Metro Miami Action Plan Trust". She noted the MMAP Executive Director received a copy of the memorandum and was advised that copies should be included in today's (9/19) meeting Agenda packet.

Ms. Curry noted the memorandum summarized the County Manager's concerns and

recommendations regarding the MMAP ordinance.

Ms. Curry stated, based on issues noted in the County Manager's memorandum and discussion between Mr. Howard Piper, Special Assistant to the County Manager, and Mr. Vickers, the County Manager placed MMAP on Management Watch (MW). She explained that the County Manager did not have the authority, according to the County Attorney's Office, to direct the MMAP to operate fully as a County department. She noted the County Manager's memorandum, dated August 30, 2007, explained the process of MW.

Ms. Curry reviewed the document entitled "Draft for Discussion" which was a summary of the revised preliminary recommendations from the EDHSC. She noted the item was discussed briefly by the Committee, but the recommendations were deferred on September 12, 2007, and was not part of the item sponsored by the Committee.

Concerning Item 2, Ms. Curry explained that it was sponsored by the EDHSC and was related to the financial report specifying performance assessment. She clarified that quarterly reporting should include programmatic activities.

Ms. Curry explained that when the MMAP was not under MW, its function and authority would be the same as it was today (9/19). She suggested that a report be submitted on a quarterly basis to the Commission Auditor and the Mayor, outlining all of MMAP's procurement activities. Ms. Curry noted the recommendations from the EDHSC were pending and had not been endorsed, although she was asked to make this presentation to the Trust.

Commissioner Edmonson restated that the MMAP Trust, subordinate to the Board of County Commissioners, and required approval, by vote, items concerning MMAP business. The EDHSC committed to keep MMAP as a separate entity from the County.

Commissioner Edmonson also noted the Board of County Commissioners fought to keep the MMAP Trust a separate entity. She informed the Trust members that a Sunshine meeting would be scheduled to discuss MMAP before the next EDHSC meeting. Commissioner Edmonson stressed that the EDHSC anticipated the Trust members would provide input, direction and participation. She noted the focus was on MMAP and the community, and participation was required in order to maintain the organization.

Commissioner Edmonson requested a Trust representative be present at those Sunshine meetings and noted she would provide information regarding the approved recommendations by EDHSC that were distributed. She also spoke in favor of the MMAP Trust remaining a separate entity.

In response to Chairperson Jones' question regarding the expected time the Trust needed to present recommendations for the ordinance, Commissioner Edmonson emphasized that the Trust needed to be present at the next Sunshine meeting and that MMAP's recommendations should be determined at the Trust's own discretion.

Commissioner Edmonson noted Commissioners Jordan, Moss, Sorenson and Souto, as members of the EDHSC, were collaborating to keep the MMAP a separate entity. She noted that she

wanted to ensure that MMAP was treated comparable to other County Trust Boards.

Chairperson Jones assured Commissioner Edmonson that the Trust would be represented at all the meetings concerning this issue.

Mr. Crapp recommended that the Trust take formal action and after the draft resolution was completed, it would be brought before the EDHSC.

Chairperson Jones expressed his appreciation to Commissioner Edmonson and for attending this meeting.

APPROVAL OF MINUTES (June 20, 2007, July 11, 2007, July 18, 2007)

It was moved by Ms. Kovach to approve the July 18, 2007 MMAP Trust minutes. This motion was seconded by Mr. Barnes, and upon being put to a vote, passed unanimously by those members present.

It was moved by Mr. Crapp to approve the July 11, 2007 and June 20, 2007 MMAP Trust minutes simultaneously. This motion was seconded by Dr. Smith, and upon being put to a vote, passed unanimously by those members present.

I. Trust Action Items

A. Committee Action Items

- 1. Housing**
- 2. Education**
- 3. Criminal Justice**
- 4. Community and Economic Development**
- 5. Legislative**
 - a. Proposed Amended MMAP Trust Ordinances**
- 6. Budget**

B. Additional Action items

1. Renewal of MLK Institute Contract

Mr. Vickers requested the Trust to address the waiver of competitive bidding before taking a vote on the renewal of the Florida Martin Luther King, Jr. Institute for Non Violence (MLK Institute) contract. He noted the procurement process required sole source contracts periodically. Mr. Vickers advised that this process required a waiver of competitive bidding because MLK Institute was the sole source within the State of Florida that provided this type of service.

In response to Dr. Smith's question regarding the County Attorney's approval of this procurement process, Mr. Vickers noted this was a County procedure. He further noted the announcement for the waiver of competitive bidding had to be made in order to identify the MLK Institute as a sole source vendor.

It was moved by Mr. Wick that the Trust approve the Memorandum of Approval requesting a waiver of competitive bids and award the contract to the Florida Martin Luther King, Jr. Institute for Non Violence as a sole source. This motion was seconded by Ms. Freemon, and upon being

put to a vote, passed unanimously by those members present.

Mr. Vickers noted that the MMAP staff recommended renewing the contract for the MLK Institute. He noted the services provided were non-violence training and counseling. The Memorandum of Approval (MOA) requested the contract terms be set for one (1) year, Mr. Vickers noted. He explained that the request for a (1) one year option was not reflected in the MOA making it unnecessary to bring this item before the Trust again.

In response to Dr. Smith's inquiry as to whether advice had come from the County Attorney, Mr. Vickers noted he would consult the County Attorney's Office prior to executing the contract.

Dr. Smith pointed out that this year's contract had increased by approximately \$12,515.00.

In response to Dr. Smith's question regarding salaries for the MLK Institute for Non-Violence employees, Mr. Vickers noted the salaries would remain the same. He stated the increase was related to the administrative fee.

Dr. Smith requested the administrative fees, the salaries, and the cost of training materials for the MLK Institute for Non-Violence to be listed as budget line items. He also requested that the budget for the Fiscal Year (FY) 2007-08, page 8 of today's Agenda package, be amended to include the language "MLK Leadership Academy" in the title.

Mr. Vickers noted the MOA that would be approved by the Trust and part of the contract document, indicated that the MLK Leadership Academy was included.

It was moved by Dr. Smith to approve the Memorandum of Approval requesting a contract renewal for the Florida Martin Luther King, Jr. Institute for Nonviolence Grant and the budget to be amended as follows: to include the MLK Leadership Academy in the Budget for the FY 2007 - 08 with budgeted line items listing salaries, administrative cost and training materials; and the budget total was not-to-exceed \$57,515.00. The contract term would be for one (1) year, with a one (1) year option to renew. This motion was seconded by Daniel A. Wick Jr. and upon being put to a vote, passed by a vote 6-0. (Members Ms. Marie Hyppolite, Ms. Beverly Kovach, Mr. Benjamin Kuehne, Ms. Greicy Lovin, and Chairperson Jones were absent.)

Dr. Smith expressed appreciation for the MMAP staff's efforts in developing strategies to increase the enrollment at the MLK Academy. He noted the meetings were productive and he anticipated a plan of action would be implemented within a few weeks. Dr. Smith noted the issues discussed included the distribution of monies generated from the Full-Time Equivalent (FTE). He noted the MLK Academy had 122 students enrolled, which produced approximately \$55,000.00 on a monthly basis; however, upon requesting funds, he was advised no funds were available.

In response to Dr. Smith's comment regarding the issue pertaining to property maintenance at MLK Academy, Mr. Vickers noted this was a maintenance contract issue and upon notification, he would address the issue with the landlord.

Discussion ensued among the Trust members regarding property maintenance at the MLK Academy and procedures for corrective action to be implemented by the MMAP staff.

Mr. Vickers noted he was unaware of this issue prior to this discussion, and advised he would address it.

Vice Chairperson Barnes expressed concern regarding the reported conditions of the MLK Academy, and agreed that, according to the terms of the agreement, a follow-up visit should occur within ten days of notification to the landlord.

Dr. Smith noted he had arranged for Miami-Dade County Commissioner Barbara Jordan and her staff to visit MLK Academy on September 20, 2007 at 10:00 a.m. and meet regarding the plight of MMAP. He also invited Mr. Dixon to attend the meeting.

Discussion ensued among the Trust members regarding the successful radio talk show that included discussions about the MLK Academy, Teen Court, and Chief Brown, who provided input relating his knowledge of the MMAP

ADD ON AGENDA ITEM

Mr. Vickers noted this Memorandum of Approval (MOA) was a report with recommendations regarding the MMAP Homeownership Assistance Program (MMAP HAP) that had 141 outstanding loan applications. He noted the shortfall in funding came through the Documentary Surtax Funds and those applications were being reviewed in order to determine the number of applicants that met the requirements established by the deadline of August 3, 2007.

Mr. Vickers noted the MOA requested the Trust to recommend approval by the Board of County Commissioners and the Economic Development Housing Committee (EDHC) for an additional allocation of surtax dollars to cover the 141 loan applications. He indicated the MOA included an attachment listing the 141 applicants by district location on the MMAP HAP waiting list (as of 9/17/07). Mr. Vickers noted a new set of guidelines related to mortgaging and surtax dollars would be prepared by the MMAP staff and brought back to the Trust for review. The shortfall of Documentary Surtax dollars impacted the MMAP HAP program by a reduced monthly income that was based on the market decline and projections from previous years, he noted.

In response to Mr. Crapp's question regarding the rollout budget, Mr. Gonzalez noted the budget for the MMAP HAP program was \$6.5 million.

Mr. Vickers noted that the Lafayette Square Apartment Project (LSAP) was earmarked for funding; however, it was pending review by the County Attorney's Office. He advised that loans were pending in the County's pipeline process, as well as in the Finance Department, but funding would come from the \$1.1 million budget. Mr. Vickers also advised that \$1.3 million had been allocated to the LSAP.

In response to Mr. Crapp's inquiry regarding \$1.3 million being earmarked, with \$1.1 million remaining, Mr. Vickers stated the \$1.3 million should have been encumbered, but was not.

Mr. Crapp noted the Trust members voted on an item with the intent to earmark the money and he expressed concern regarding the allocation of the rollout budget and the shortfall.

Mr. Vickers explained that the number of loans per month last year averaged 43; however, the number for this fiscal year increased to over 70 per month. He noted the Housing Lottery program caused 75% increase in the amount of the loans for a total of \$1.8 million, which was reported to the Trust on a monthly basis. Mr. Vickers noted the issue was related to the increased demand for loans that stretched the MMAP HAP program's resources.

Discussion ensued among Trust members regarding the Housing Lottery ceremony event that was held June 2006.

Mr. Vickers advised that debt payments were carried over from 2006 into the new Fiscal Year (2007).

Ms. Cynthia Curry noted she asked Ms. Patricia Braynon, Executive Director of the Housing Finance Authority (HFA), to collaborate with the MMAP staff and determine how to address the pending loans due to the intensity of emails and calls received by the County Manager's Office and the HFA. Ms. Curry noted that based on the fact that HFA had been working to identify the amount of money needed for the pending loans that at the time was over \$1 million, it was in excess of the 8% Documentary Surtax dollars that were earmarked for the MMAP HAP program.

Ms. Curry noted she had discussed with Mr. Vickers and Ms. Braynon that unless the Board of County Commissioners created an amendment through an ordinance to increase the 8% Documentary Surtax Dollars that was earmarked for the MMAP HAP program, there was uncertainty as to how the Board of County Commissioners would address this matter due to other demands on the surtax programs.

Chairperson Jones recommended the Trust identify corrective actions and present a recommendation requesting additional funds for the MMAP HAP program to the Board of County Commissioners. He suggested the Trust revisit the loan process.

Mr. Crapp recommended reviewing the last three fiscal years of the line item budget, pertaining to Documentary Surtax Funds, to identify the prior roll over amount and expenditures, which included the monies encumbered for the LSAP that were presently not available.

Mr. Vickers noted during the initial vote by the Trust regarding the funds for the LSAP, the monies should have been set aside. He stated the funds for housing were allocated entirely towards the home loan assistance program, but the LSAP's closing was pending. Mr. Vickers noted the payment schedule of the \$1.3 million was intended to consist of multiple payments and the MMAP staff had been looking into arranging a payment schedule based on invoicing.

Regarding the MMAP HAP loans, Ms. Curry noted Mr. Vickers had been advised about modifying the process in order to use a reservation system, currently in operation through the HFA, which made contributions to some of the MMAP HAP loans.

Ms. Curry suggested the MMAP continue to set the criteria for using the 8% Documentary Surtax Dollars in the MMAP HAP program, and implement a marketing and outreach plan targeting communities of need, and to collaborate with the HFA to establish a system. She noted this course of action would assist the HFA in moving forward with the closings and allow the County to service those loans through the County's system as opposed to MMAP duplicating the process.

Ms. Curry noted during discussions regarding the LSAP, Mr. Vickers recently asked the County Attorney to review this Surtax-funded project. She noted the County had provided LSAP approximately \$6 million; however, upon awarding the funds, a subsidy layering review process was implemented to ensure proper procedures were taken. Ms. Curry noted the County used the same contractor as the Florida Housing Finance Corporation, in Tallahassee, to determine the amount of funding needed and to verify the amount requested. She noted the LSAP was currently being reviewed using the same system.

In response to Chairperson Jones' question regarding the length of time to implement the reservation system process, Ms. Curry noted she was not certain and suggested an inquiry be made to the Director of HFA.

Mr. Vickers noted the MMAP staff had worked with the Director of HFA to determine whether to implement the reservation system or establish a mechanism to provide available funds based on the prior month's revenue. He explained that the process of the reservation system required a lender to electronically reserve an allocation of funds for a scheduled closing date. Mr. Vickers noted he was not certain of the length of time required to implement the reservation system.

Mr. Vickers suggested MMAP enter into an agreement with HFA to utilize its reservation system that would allow HFA to handle those accounts and MMAP would continue handling the loan applications.

Discussion ensued among the Trust members regarding the issues experienced by bankers that used reservation systems and the need to make modifications.

In response to Chairperson Jones' question regarding corrective actions being implemented before the Trust requested additional funds from the Board of County Commissioners, Mr. Vickers noted the corrective actions should be in place by next week.

Chairperson Jones recommended negotiating a written agreement with the HFA regarding the reservation system before the Trust requested additional funds. He expressed concern regarding the entire loan application process and the phone calls received from lawmakers. Chairperson Jones also expressed concern that the MMAP staff had not informed the Trust of those issues that needed to be addressed.

In response to Ms. Kovach's question as to whether the MMAP staff would be responsible for those corrective actions, Chairperson Jones noted that the MMAP staff needed to develop a monitoring process.

Discussion ensued among the Trust regarding MMAP's responsibility in the loan application process.

Ms. Curry noted the HFA also had concerns regarding the reservation system. She noted the MMAP staff needed to independently develop a method for managing cash flow and available revenues for current loan applications.

Mr. Vickers noted he felt the MMAP staff could develop a corrective action based on the prior months' revenues. Mr. Vickers noted this recently became an issue due to the low volume of income revenues and the high demand for loans.

Ms. Curry noted this years' projected allocation of Documentary Surtax Dollars for the MMAP HAP program was substantially less than \$50 million.

Discussion ensued among the Trust members regarding how the projections for the MMAP HAP program were determined and the overflow of 300 loan applications.

Chairperson Jones requested Trust members to discuss the communication issues pertaining to two different emails sent to participating lenders. He noted in order to perform a level of good business and eliminate misrepresentation; the letters should have been mailed to clients.

Mr. Robinson pointed out that the Trust had held prior discussions in August 2007, regarding the issue of sending emails and addressing clients with formal letters.

Discussion ensued among the Trust members regarding the length of time it took the MMAP staff to identify the anticipated revenue for the fiscal year that was lower than last year's budget.

Mr. Crapp expressed concern that the MMAP HAP program had promotional events during the period that the revenue was anticipated not to be enough, and if identified the Trust could have made adjustments to the budget. He requested that the MMAP staff provide the Trust a report based on monthly income revenues.

II. Executive Director's Action Items

A. Sailboat Cove Loan Extension

Mr. Jose' Perez de Corcho, Project Director, The Mirage at Sailboat Cove, expressed appreciation to the Trust for its support and provided a brief overview of the project. He noted phase one of the project had approximately 39 completed units and a majority of the residents came through the MMAP program and phase two was in progress. Mr. Perez de Corcho noted the project of 171 units would continue to be under construction until approximately March 2009 before completion. He advised that the development had maintained its pricing structure in order to qualify for assistance from the Surtax Dollar Funds.

In response to Mr. Barnes' inquiry regarding the price range for the cost of the units, Mr. Perez de Corcho noted the costs of the units were approximately \$220,000 and with the assistance of MMAP and the Surtax Dollars, the project remained marketable.

Discussion ensued among the Trust members and MMAP staff regarding the housing qualifications and income guidelines that were based on family size and the financing process.

In response to Chairperson Jones' question regarding the projected date for completion of Phase II, Mr. Perez de Corcho advised that Phase II should be complete and ready to close on an additional 40 units by May 2008, with two additional phases remaining. He noted the closing process would be within a six month time period and had restrictions due to the lending constraints issued by Commerce Bank. Mr. Perez de Corcho explained that during those closings, the developer should have enough income to continue building until the banks released the funds.

Discussion ensued among the Trust members and Mr. Perez de Corcho regarding the length of time required to develop the remaining units and the procedure to request for an extension.

Chairperson Jones read the Memorandum of Approval (MOA) recommendation that was documented in the MMAP Trust meeting agenda package.

Mr. Vickers explained that the initial contract terms required the developer to provide a minimum of seven (7) affordable units to be granted \$1 million. He noted the developer had met and surpassed those requirements, providing 39 units under the affordable criteria. He noted the MMAP Executive Committee recommended the repayment of the loan be extended a year for this project.

It was moved by Mr. Robinson to approve the MOA for a loan extension and a revised repayment deadline of October 1, 2008, in the amount of \$1,000,000.00 for the Sail Boat Cove. This motion was seconded by Mr. Crapp and upon being put to a vote, passed by a vote of 6-0 (Trust members Dr. Marzell Smith, Mr. Benedict P. Kuehne, Ms. Beverly Kovach, Ms. Greicy Lovin and Ms. Marie Hyppolite were absent).

Mr. Crapp requested that the Trust discuss the Ordinance from the Board of County Commissioners. He noted he was opposed to Section (d) Tenure of Trustees. Mr. Crapp noted he would be in favor of approving the ordinance as is if the language clearly stated that terms set upon passage of this amended legislation. He noted, in the past, it was difficult to find dedicated people to serve and he felt those changes would impact the current system.

Mr. Barnes noted he felt if the Trust accepted those changes, it would be self-terminating.

Mr. Crapp noted he felt 17 Trust members would be sufficient, rather than 15 as indicated in the proposed amended ordinance.

Discussion ensued among the Trust members regarding what would be a sufficient number of Trust members and the required quorum.

Chairperson Jones noted he felt the required quorum of seven (7) members present would be sufficient and that 15 Trust members would eliminate a percentage of people in the community

from participating as a MMAP Trust member. He noted the Trust membership was set at 21 members historically because it provided the opportunity for participation across the board. Chairperson Jones noted if the decision was reached to only have 15 Trust members, he felt seven (7) members present should constitute a quorum, which would provide a consistent process in conducting business.

Ms. Curry noted that the County Manager had not recommended an amendment for this specific section and the request was to provide the Economic Development and Human Services Committee (EDHSC) recommendations related to this ordinance.

It was moved by Mr. Crapp to approve that the proposed amendments to the MMAP Trust ordinance include language that require a quorum of seven (7) Trust members and the reduction of the total Trust membership would be comprised of the current vacancies. In addition, Assistant County Attorney Shannon Summerset would draft an ordinance to be reviewed by the Trust Chairperson and to be submitted to the EDHSC, and subsequently, presented to the Board of County Commissioners as a formal recommendation from the MMAP Trust. This motion was seconded by Ms. Freemon and upon being put to a vote, passed by a vote of 7-0 (Members: Mr. Benedict P. Kuehne, Ms. Beverly Kovach, Ms. Greicy Lovin and Ms. Marie Hyppolite were absent).

Ms. Curry noted the County Manger would issue a changes memorandum today, recommending the MMAP's budget to be restored. She noted she understood that the MMAP budget would be restored as it pertained to monies coming from the General Fund, which totaled approximately \$774,000. Ms. Curry advised that the changes memorandum would include a reference to the proposed amended ordinance discussed in this meeting and the recommended changes. She explained that the intent of the County Manager's Office was to take the draft ordinance, comprised of the changes, and include the proposed recommendations, rather than issue a separate proposal.

Ms. Curry noted she wanted to ensure that the MMAP Trust provided input before the County Manager's recommended changes were presented to EDHSC, as listed in the Draft for Discussion, to allow feedback related to the proposed amendments to the MMAP ordinance. She advised that those recommendations would be presented for discussion at a Sunshine meeting, which would be scheduled by Commissioner Edmonson.

In response to Mr. Barnes' question regarding the notification of Sunshine meetings, Ms. Curry noted the Clerk of the Board's Office advertised the meetings in the County's Intranet, as part of the official calendar.

Chairperson Jones announced that Mr. Vickers, Executive Director, would ensure the Trust members were notified about public hearings related to the MMAP, to eliminate any oversights. He noted the Trust should not miss any future public hearings regarding this issue.

Chairperson Jones requested input from the Trust members regarding the County Managers' recommendations.

In response to Mr. Barnes' question as to whether the County Manager's recommendations could be formalized prior to presentation before the EDHSC, Ms. Curry noted the recommendations could be formalized; however, she was asked to review the list in the "Draft for Discussion," and needed the Trust's input.

Dr. Smith advised that he was not in favor of the recommendation in Section 1.

Ms. Curry noted that issues related to personnel practices etc. would not fall under a separate policy from those reviewed by the Mayor and would be under the administrative oversight of the Mayor. She explained that the intent was for the Mayor to be able to initiate steps to remove the Executive Director for substantial cause, unless overridden by two-thirds vote of the MMAP Trust.

Discussion ensued among the Trust members regarding the process in removing the Executive Director and the Trust member's willingness to hear the Mayor's input, although the current system worked.

Chairperson Jones requested that the Trust members provide input regarding Section 2.

Hearing no questions or comments from the Trust members, Ms. Curry advised the change in Section 2 clarified that the County Manager would be a recipient of the quarterly financial and programmatic reports, which included performance assessments.

There being no comments or questions regarding Section 3, the Trust proceeded to Section 4, which Mr. Barnes noted pertained to periodic reviews in case an incident occurred.

During consideration of Section 5, Ms. Curry explained this section provided that if MMAP was put under Management Watch (MW), the explanation of the process needed to be clarified in the ordinance regarding the status of authority. She noted that County Manager could implement a MW from a very narrow scope on the administrative side, but a stronger course of action needed to be identified in the ordinance. Subsequently, the Board of Commissioners would endorse the MW and delegate that authority. Ms. Curry noted during the period of MW, MMAP would function as a County Department in order for the County Manager and the Board of County Commissioners to review MMAP's procurement personnel related activities.

In response to Chairperson Jones' question as to whether the MW would be for administration only and whether the observation was for the whole organization, Ms. Curry noted she was advised by the County Attorney's Office that presently the MW for MMAP, initiated by the County Manager, would be limited because the Trust could not be stopped from executing contracts and moving forward.

Mr. Barnes expressed concern that during the time of MW, MMAP would function as a County Department and the County Manager would have the authority to terminate MMAP staff.

Ms. Curry advised that the Board of Commissioners had the authority to direct how the MW would take place regarding MMAP.

Chairperson Jones noted he opposed including language concerning the MW process for MMAP in the ordinance.

Ms. Curry noted the issue was the Board of County Commissioners addressed any incidents concerning the MMAP; however, the County was held responsible, but could not take a course of action. She noted a Management Watch (MW) required a system that needed to be balanced by clearly specifying authoritative positions in the process.

In response to Chairperson Jones' question regarding the purpose for a MW, Ms. Curry explained that issues related to personnel, procurement and conflicts with serious findings would require a MW status until corrective actions were implemented. She noted she felt the County Manager, the MMAP Trust and the Board of County Commissioners would want a process in place that reflected operations were being monitored until the issues were resolved. She noted the items discussed were ideas that she hoped would be incorporated in the ordinance moving forward.

Mr. Vickers noted the MMAP personnel were always required to be in compliance with Miami Dade County's personnel regulations. He noted prior to his appointment, he felt the Executive Director took action to address personnel issues with the knowledge of the Trust.

In response to Mr. Vickers comments, Chairperson Jones pointed out that the Trust would not have knowledge of personnel issues, including terminations, suspensions, or any disciplinary actions because that was not the Trust's role.

Mr. Vickers retracted his comment, but noted since his appointment, all County procedures had been followed relating to disciplinary actions requiring termination of employment, including the employee's right to appeal.

Ms. Curry noted that Section 5 of the "Draft for Discussion" provided that during the Management Watch, the MMAP's procurement process would be conducted as a County department's under the guidelines of the County Manager regarding the MMAP. She noted those recommendations included allowing MMAP to proceed functioning through the regular process, and any recommendations for procurement contracts, etc. would be forwarded to the Board of County Commissioners until the MW was terminated.

In response to Mr. Smith's question regarding the role of the Executive Director during the MW, Ms. Curry noted the director would continue to serve in his position, but any contracts awarded over a million dollars would require review by the County Manager and approval by the Board of County Commissioners.

Mr. Barnes requested a time period of 60 days to be initiated for the MW in Section 5.

Ms. Curry noted it would be difficult to instruct the Office of Audit and Management Services (AMS) to complete an audit within 60 days; however, she agreed to convey the consensus of the Trust to complete the audit of the items discussed today (9/19) within 60 days.

Chairperson Jones noted the Trust did not want those recommendations to be included as a part of the MMAP ordinance. He noted the amendment of the ordinance needed to come from the Trust first, in order to minimize any conflicts, because the Board of County Commissioners would receive direct input from the Trust.

Chairperson Jones concurred with Mr. Crapp that the Trust should continue with the ordinance as previously amended and reserve the right to review the recommended changes from the County Manager at a later date.

Dr. Smith requested that, in Section 4 of the 'Draft for Discussion,' the Mayor would deem it necessary that periodic reviews be in place, rather than the County Manager.

Ms Curry noted she would provide these recommendations to the County Manager which would be forwarded as a separate item; however, she could not be certain of the outcome. She noted the Trust requested the item that addressed the changes in its composition and the reconstitution of the MMAP Trust to be a separate item. Ms. Curry advised that two different items would be presented because one item had been sponsored by the EDHSC.

Ms. Curry noted the County Managers' second changes memorandum had not been released and she could not confirm whether it included the recommendation to restore the \$774,000.00 to MMAP. Ms. Curry noted that she had spoken with Mr. Vickers often regarding this disclosed item that had been moving forward through the EDHSC since August 22, 2007.

Chairperson Jones expressed his appreciation to Ms. Curry for attending this meeting.

In response to Mr. Crapp's concern with no notification being provided regarding the County Manager's recommended changes for the MMAP ordinance, Mr. Vickers noted that he would be willing to address this issue with Trust members individually.

Certified Letter from Dr. Mann

Mr. Barnes expressed concern that he was not notified regarding the issue prior to receiving a certified letter from Dr. Mann, as well as an event held at Parrot Jungle on February 28, 2007.

Mr. Vickers noted he had several discussions with Dr. Mann that continued to inquire to secure funding allocations from MMAP. He noted during the entire time, he clearly indicated to Dr. Mann that he could not discuss funding issues because of the uncertainty of MMAP's overall budget. Mr. Vickers noted he suggested that Dr. Mann investigate alternate funding sources. He also noted that Dr. Mann was invited to apply for funding through the Office of Community & Economical Development (OCED).

Mr. Crapp recalled a previous request regarding a letter from MMAP to be sent to the Florida Memorial Entrepreneur Institute (FMEI) to include Dr. Pinkston's name in the Institutes name. He questioned the impact of MMAP's funding to FMEI if it continued to receive funds from the Occupational Surtax Funds and General Funds.

Mr. Vickers noted there was an issue regarding the use of the Occupational Surtax Funds and he anticipated there would be an audit. He noted the issue could involve the State's statutes and its interpretation, and explained that the Occupational Surtax was based upon State statute, which promoted the use of those dollars to be primarily used in Dade County. Mr. Vickers emphasized that there was no discussion with the FMEI regarding the availability of funds from MMAP.

Mr. Dixon noted articles were published in the Miami Times newspaper, stating funds for the community provided by MMAP had been reduced, as well as the MMAP staff. Regarding an inquiry by Dr. Mann, as to whether the level of funding MMAP provided FMEI would remain unchanged, Mr. Dixon stated he advised Dr. Mann that the level of funding could not be determined due to internal issues.

Mr. Barnes recommended the Executive Director be provided with a copy of the letter from Dr. Mann and that a formal letter be sent in response, rather than by email, to address some of the comments that were unclear in his letter.

Mr. Crapp noted he felt the Trust should provide a level of assurance to Dr. Mann and express support in continuing operation of FMEI. He noted any policy issues concerning the State statutes should continue to be addressed through the legislative agenda; however, while MMAP received the same amount of funds through the Occupational Surtax Funds, the FMEI program should be supported by MMAP.

It was moved by Mr. Crapp that a copy of the certified letter from Dr. Philip Mann be submitted to the MMAP Trust Executive Director Milton Vickers for review, and that Mr. Vickers prepare a letter of support, on behalf of the Trust, urging the continued operation of the Florida Memorial University Entrepreneurial Institute. This motion was seconded by Dr. Smith, and upon being put to a vote, passed unanimously by those members present.

ADJOURNMENT

There being no further business to come before the Trust, the meeting was adjourned at 2:46 p.m.

John T. Jones, Jr., Chairperson
Metro Miami Action Plan Trust