



# **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

November 14, 2007

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Board of County Commissioners

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**OFFICIAL MINUTES**  
**METRO-MIAMI ACTION PLAN TRUST**  
**MEETING OF NOVEMBER 14, 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 November 14, 2007 at 12:00 Noon, there being present: Chairperson John T. Jones, and Members: Mr. Arthur J. Barnes, Mr. Tony E. Crapp, Jr., Ms. Marie B. Hyppolite, Ms. Beverly Kovach, Mr. Herbert Robinson, and Dr. Marzell Smith (Members: Ms. Veldrin Freeman, 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. Clarke Brian, Ms. Melba Gasque, Ms. Joann Hicks, Mr. Eric Johnson, Mr. Joey Walker, Mr. William Simmons, Mr. Anthony Williams; Assistant County Attorney Shannon Summerset and Deputy Clerk Karen Leonard.

**MOTION TO SET THE AGENDA:**

Chairperson Jones noted that the following item would be added on to the agenda: Agenda Item II.D, Update of MMAP 2007 Performance Report.

**I. TRUST ACTION ITEMS**

**A. Committee Action Items**

**1. Housing**

**A. Restructuring MMAP HAP Program**

Mr. Vickers provided a brief overview of the foregoing proposed item. He noted the MMAP staff had established a focus group of individuals from the community business industry and partners within this program. Subsequently, a number of recommendations were made and the MMAP staff would be providing feedback to the focus group, he added. Mr. Vickers read into the record the recommendations from the MOA on page 3.

In response to Mr. Barnes' question as to whether the program for MMAP HAP was new, Mr. Vickers noted there were modifications. He also noted the primary concern of the focus group was the lender's process to provide or submit mortgage applications. The focus group recommended having an open window on a monthly basis derived from the revenue received from the prior month rather than the projected capital, noted Mr. Vickers.

Discussion ensued among the Trust members and MMAP staff regarding the need to move forward although the other recommendations from the focus group had not been presented.

Ms. Hicks noted the HAP program would operate under the existing guidelines and the intent of this item was to have revisions approved by December 2007 in order to start the new program by January 2008.

Discussion ensued among the Trust members regarding the members of the focus group.

Chairperson Jones noted the current procedure for MMAP was to forward recommendations to

the Housing Action Committee, followed by the Executive Committee, in order to review the item completely prior to bringing them before the Trust.

Chairperson Jones recommended that the MMAP staff take the item back through the process and address the pending questions before bringing the item back before the Trust.

Ms. Hicks noted the recommendations had already been presented to the Executive Committee.

Discussion ensued among the Trust members regarding the approval to modify the MMAP HAP program.

In response to Mr. Crapp's question regarding the members of the focus group, Ms. Hicks noted the members included MMAP partners within the community as follows: bank representatives, mortgage companies, housing agencies, the County Housing Authority and some of the infill housing representatives, and developers.

Discussion ensued among the Trust members regarding the need to review the list of focus group members and the MMAP staff to provide more information on the restructure of the MMAP HAP program.

Mr. Vickers noted the item was related to the reduction of the 8% Surtax Dollars which the market had a larger revenue stream in the past. He noted the MMAP staff wanted to ensure the HAP policy was based on cash on hand rather than projected revenue. Mr. Vickers noted the focus group had to determine the purchase price and down payments at the closings and consider the homebuyer's income.

In response to Mr. Crapp's question as to whether the maximum reduced sales price for new homes was \$250,000, Ms. Hicks noted the MMAP staff proposed this amount and the focus group felt the sales price should remain at \$250,000. She noted it was determined if the purchase price of the new homes was lower it would be feasible to expand the cash on hand and increase the number of homebuyers with a lower price; but the sales price was not flexible enough.

Mr. Crapp noted he was not in favor of approving a partial item that had to come back to the Trust. He noted the recommended reductions and the maximum sales price were addressed by the Trust to ensure MMAP's criteria lined up with the Housing and Urban Development (HUD). He requested more information regarding all the recommendations for the MMAP HAP program because he felt the Trust would have a better understanding if the MMAP staff had a complete presentation of the focus group's recommendations was made.

Chairperson Jones noted that the recommendations in the Memorandum of Approval (MOA) included a policy change that would move services from low to middle income residents.

Mr. Vickers noted the information presented to the Trust did not represent a policy change but was recommendations discussed by the focus group. He noted the MMAP staff would bring the recommendations back to the Trust. He offered to withdraw the item, do a revision based on the Chairperson's directives, and address the item in a special meeting with industry representatives.

Chairperson Jones recommended that the special meeting be a workshop to ensure everyone had understood the item. He also noted the need for a projected budget of the 8% Surtax Dollars and the need to know the available cash on hand.

Ms. Kovach noted her motion was to approve the MMAP staff to move forward and bring back to the Trust a complete program rather than to approve the item.

Dr. Smith stated the proposal should indicate it was a draft. He noted he thought all the items under the MMAP HAP program were flexible because it had various groups of people with different incomes. Subsequently, there was a required 1%-6% down payment of the purchase price and if there was an issue the MMAP staff would bring the item before the Trust to assist.

It was moved by Ms. Beverly Kovach to authorize MMAP staff to study the feasibility of modifying the MMAP Housing Assistance Program (HAP) and to present recommendations for the restructure for approval by the Trust. This motion was seconded by Ms. Marie Hyppolite and being put to a vote, passed 4-3. (Members: Mr. Crapp, Dr. Smith and Chairperson Jones opposed to vote in favor of the item. Members: Ms. Veldrin Freemon and Ms. Greicy Lovin were absent).

#### **B. Lafayette Square Commitment Letter**

Mr. Vickers read the purpose of the foregoing item from the MOA and noted the Trust had approved a commitment letter that awarded Lafayette Square (LSP), Ltd. \$1.3 million as a construction funding. He noted the process of the documents had abided by County policy and was forwarded from the County Attorney's Office (CAO) to the Housing Finance Agency for GAP financing Analysis with a recommended loan amount of \$1,197,643.00. Mr. Vickers noted the commitment letter needed to be changed due to the expiration date in order to move forward.

Mr. Vickers noted the request was for the Trust to approve the new loan amount of \$1,197,643.00 for LSP.

In response to Mr. Crapp's question as to whether other entities had closed with the developer on the foregoing project, Mr. Vickers noted the County and City had closed. He also noted that in terms of this amendment, this transaction had gone through the proper County requirements including a review by the CAO and creating a commitment letter would be the step before the closing.

In response to Mr. Barnes' comment that he wanted the developer to be present, Ms. Kovach noted Mr. Lynn Washington, MMAP's Attorney, attended the MMAP meeting a few months ago and advised the Trust how the GAP Analysis was processed.

Mr. Vickers explained that the Lafayette Square Project (LSP) had been through the GAP Analysis process with the Office of Community and Economic Development (OCED). He noted the additional loan amount of \$1.3 million required another GAP Analysis to be expedited and the analysis came back approximately \$100,000 less than the initial request.

In response to Chairperson Jones' question regarding the revenue source for that project, Mr. Vickers noted the MMAP staff was working with OCED to trade off \$1million from the project with Sailboat Cove that had an outstanding debt that was due for payment in October 2008;

however, the Trust recently extended the contract for another year.

Chairperson Jones noted the Trust approved to allocate funds to the LSP based on the availability of cash in the MMAP budget and upon approval the money should be on hand.

Mr. Vickers noted last year's projected revenue for the Surtax Dollars was less than anticipated.

Chairperson Jones questioned the amount of money in the budget for housing at the time that the Trust approved monies to be allocated. He noted the Trust would not approve \$1.3 million to be allocated if the funds were not available.

Following the discussion, Mr. Vickers noted the MMAP staff had advised the Trust that the revenue to fund the LSP was not available; however, an option would be to fund LSP based on revenue that came in from the fiscal year which was drawn monthly or quarterly. The MMAP staff attempted to determine how to obtain a \$1 million upfront for LSP based on legitimate invoicing by using the outstanding debt from the Sailboat Cove Project in October 2008, he noted.

Assistant County Attorney (ACA) Shannon Summerset noted MMAP was not legally committed to provide funds to the LSP because the commitment letter had expired; however, if the Trust approved to enter into a new commitment, MMAP would be legally obligated to provide funds. She noted MMAP would be liable if there were no funds presently available.

ACA Summerset recommended that the Trust not take on a legal obligation concerning LSP until funds were identified and available, rather than be contingent on another matter.

Chairperson Jones noted the Sailboat Cove project was recently extended because the debt service could not be met.

Discussion ensued among the Trust members regarding how this issue reflected the Trust as irresponsible because funds were approved to be allocated to the foregoing item, but the available monies were not earmarked by the MMAP staff nor held in the budget.

Following the discussion, Mr. Don D. Patterson, CEO/President of BAME Development Corporation appeared before the Trust, noting a verbal commitment was made, and he was told the money was available.

Further discussion ensued among the Trust members regarding the need for an explanation on the whereabouts of the \$1.3 million that should have been earmarked for the LSP.

Mr. Vickers explained that following the approval of the Trust, the MMAP staff did not encumber the dollars and the money was used in the MMAP HAP program.

The Trust members continued questioning Mr. Vickers regarding the accountability of following the MMAP policy and procedures and to encumber monies that were approved by the Trust to be allocated.

Following discussion, Mr. Vickers noted the matter was a MMAP staff oversight and he agreed

that the monies should have been encumbered until ready to be used by the developer.

Mr. Eric Johnson noted as of November 9, 2007, the MMAP HAP budget cap totaled \$887,979.00, which included the monthly deposit of Surtax Dollars. He estimated that approximately \$179,000.00 was from the surtax dollars and the monies were not all encumbered.

In response to Mr. Crapp's question regarding the timetable for the closings, Mr. Vickers noted the projected time for closings was January 2008 if the MMAP staff could come back to the Trust in December 2007 to present an agreement between MMAP and OCED for \$1million.

Mr. Crapp noted he was in opposition to supporting an agreement between MMAP and OCED for \$1 million; however, he wanted the MMAP staff to review the details and identify the available revenue in order to create a commitment letter. He expressed concern regarding MMAP's commitment to this project and the need to take a responsible course of action, which would be to defer this item until December 2007.

Chairperson Jones recommended that all expenditures from the MMAP HAP budget be held until the budget was researched and the available monies were encumbered and confirmed.

Discussion ensued among the Trust members regarding MMAP's commitment to this project. .

Mr. Patterson noted the final date to receive payment had passed and his partner had used funds from a reserve account. He also noted the two principals had offered a personal guarantee for the LSP project.

Discussion ensued among the Trust members regarding the need to determine the amount of encumbered money on hand.

Following the discussion, Eric Johnson noted the unencumbered loans pipelined as of today totaled \$356,613.00, leaving a remaining balance of cash on hand totaling \$531,366.00.

Mr. Crapp noted he was in favor of deferring the item until December 2007 and the Executive Director or the Deputy Director needed to provide a written document that was approved by the County Finance Department indicating the amount of money unencumbered. Subsequently, the Trust would be able to determine the course of action regarding the commitment letter and properly work with the developer, he added.

Chairperson Jones recommended that the MMAP staff look at its monthly incoming cash and place a stop gap on spending in order to determine cash on hand. He noted MMAP needed to propose an agreement with the developer in an effort to serve the community.

Mr. Don D. Patterson, CEO/President of BAME Development Corporation noted he was aware of MMAP's current financial condition and the process in an attempt to address the issue. He suggested that an option to repair this issue would be to provide LSP with a commitment letter to finance the project with the available funds immediately and propose a payment plan that totaled approximately \$1.2 million.

Following the discussion, ACA Shannon Summerset reiterated the Trust could only commit to

fund a project with the money that was on hand. She noted the commitment letter between MMAP and the developer had expired and MMAP had no legal obligation.

Chairperson Jones recommended that the MMAP staff place a stop on the expenditures of the \$531,366.00 cash on hand and provide a commitment letter to the developer.

In response to Mr. Crapp's question regarding pending loans in the MMAP HAP program, Mr. Eric Johnson noted the current outstanding commitments of MMAP HAP loans totaled \$356,613.00. He also noted the monthly operating expenses for the payroll overhead had to come from the \$531,366.00 cash on hand.

It was moved by Mr. Crapp to defer the Memorandum of Approval (MOA) regarding the Lafayette Square Apartments Funding Request to the next MMAP Trust meeting scheduled for December 19, 2007. This motion was seconded by Mr. Barnes and being put to a vote, passed 8-0. (Members: Ms. Veldrin Freemon and Ms. Greicy Lovin were absent).

It was moved by Mr. Crapp to implement a (30) thirty-day Moratorium on the MMAP HAP program for review and address its issues during the meeting in December as well as review MMAP's table of organization. He stressed the importance of having a designated executive fiscal officer to oversee MMAP's finances and he requested that the Trust review the table of organization at the December meeting.

In response to Mr. Simmons' question regarding moving forward with the housing applications, Chairperson Jones noted the pending loans needed to move forward, but no additional loans should be accepted.

Discussion ensued among the Trust members regarding the process of closings during a (30) thirty day moratorium without delaying individuals who were ready to close.

Assistant County Attorney Summerset noted MMAP would be legally obligated to the homebuyers who were ready to close. She also noted the homebuyers might have other obligations that would expire and the moratorium would interfere.

Mr. Crapp expressed concern regarding the accuracy of the MMAP staff's report of cash on hand and the actions taken with the commitment letter if daily transactions would continue until the next Trust meeting.

Following discussion, Mr. Johnson noted the closings were not scheduled by the MMAP staff; however, after all required documents were received, a funding request to finance would be submitted and processed within (5) five business days. He noted MMAP received weekly requests for files through the pipeline that were ready to close.

Mr. Johnson explained the pipeline of pending homebuyers was included in the current outstanding commitments of MMAP HAP loans that totaled \$356,613.00 and MMAP was not accepting anymore loan applications.

Discussion ensued among the Trust members and MMAP staff regarding the decreased monthly income which varied each month and was based on the Surtax Dollars.

Ms. Hicks explained the surtax dollars were substantially lower than in the previous years and the projection last year was \$4 million in Surtax Dollars, but MMAP received \$2.6 million. She noted MMAP's budget was based on projection and money was earmarked for those projects.

Mr. Johnson noted approximately 31 pending homebuyers were included in the committed loan amount of \$356,613.00.

Mr. Jose Gonzalez noted he was unable to provide the monthly operating expenses.

Chairperson Jones recommended that the MMAP staff prepare a detailed spreadsheet with the monthly operating expenses to present at the December 2007 Trust meeting.

In response to Ms. Kovach's inquiry regarding a verbal commitment from MMAP, Chairperson Jones noted the MMAP Trust had made a verbal commitment to support the developer, but could not make a financial commitment without having the money on hand.

Mr. Vickers requested approval from the Trust to allow the MMAP staff to work with Mr. Patterson for the following (30) thirty days and come back to the Trust with a negotiated plan.

Chairperson Jones opposed Mr. Vickers' request and noted the need for the Trust to participate in any negotiations because the ACA advised MMAP that a commitment to fund the project without available money would make MMAP liable. He noted that he felt the only option was to request additional funds from the 8% Surtax Dollars Fund because monies had to come from the County Housing Department program. Chairperson Jones noted the need to evaluate the MMAP HAP program and its operation in order to identify the cause of this issue.

- 2. Education**
- 3. Criminal Justice**
- 4. Community and Economic Development**
  - A. Economic Development Strategic Plan (Draft)**

Mr. Vickers noted the Trust and the Executive Committee requested the MMAP staff to prepare a draft of the Economic Development Strategic Plan (EDSP) based on the recommendations and comments by the Trust which included the three (3) collaborative partners: Florida Memorial Entrepreneur Institute (FMEI); Miami Dade Chamber of Commerce (MDCC); and Collective Banking Group (CBG). He noted he received a letter from FMU requesting withdrawal from the package; however, FMU was still included in the EDSP draft.

Mr. Vickers noted the MMAP staff met on November 6, 2007 with the foregoing three (3) partners to receive each entity's scope of services included in the EDSP draft.

Chairperson Jones requested Mr. Vickers to provide a copy of FMEI's letter of withdrawal.

Mr. Vickers noted he received feedback from Mr. Barnes for the EDSP draft. He noted the Trust and the Executive Committee's recommendations were included in the EDSP draft and it identified the foregoing collaborative partners and scope of services. Mr. Vickers requested the Trust's approval to move the item forward to the Economic Development Human Services Committee (EDHS) of the Board of County Commissioners.

In response to Ms. Kovach's question regarding the impact of removing FMEI from MMAP's submission plan, Mr. Vickers noted the revenue totaled \$330,000.00 from the Economic Development funds and allocations were based on the direction from the Board of County Commissioners. He noted there was an administrative cost and overhead that FMEI incurred without access to the \$330,000.00.

Mr. Vickers noted Dr. Phillip Mann, Director of the FMEI, was advised to develop another plan for the program. He noted it was suggested that FMEI inquire about the Office of Community Economic Development (OCED) funds at the beginning of the funding cycle. Mr. Vickers advised the Trust members FMEI was recommended for funding by the OCED, but FMEI was in needed funds for the cost of administration and MMAP could not make a commitment.

Ms. Kovach noted the letter from FMEI requested removal of its program from MMAP's submission plan to the Occupational Surtax Funds from the OCED.

Mr. Vickers agreed with Ms. Kovach regarding FMEI's request; however, noted that the FMEI was included in the submission plan with an alternative entity at the approval of the Trust.

Discussion ensued among the Trust members regarding having an alternative entity for FMEI.

Chairperson Jones expressed concern and noted there were no alternatives in terms of the collaborative efforts between the MMAP Trust and FMEI.

Following the discussion, Mr. Barnes noted he felt he could speak on behalf of FMEI and as a third party for Dr. Mann since he had lengthy discussions with Dr. Mann regarding funding. He noted that Dr. Mann indicated he was informed that he would not be funded by MMAP.

Mr. Barnes noted as a Trust member he felt the focus should be on MMAP's obligations. He also noted that the Trust never made a decision not to fund FMEI, but that decision was indicated to Dr. Mann as well as the suggestion to seek funding from OCED. He expressed concern that the Trust was unaware that MMAP was unable to provide funding to FMEI and was not given the opportunity to determine other alternatives. Mr. Barnes noted MMAP's history and relationship with FMEI and the impact on the community. Mr. Barnes stated for the record that he was disappointed and expressed concern on the foregoing matter.

Mr. Vickers noted the suggestion of an alternative entity was based on Dr. Mann's withdrawal.

Mr. Vickers noted Dr. Mann was neither given advice nor omitted from the MMAP's submission plan. He noted the FMEI's contract was renewed annually upon budget approval beginning on October 1<sup>st</sup>. Mr. Vickers explained the budget process and noted during that time the County Manager had made recommendations and there were ongoing discussions with the Economic Development Human Services Committee (EDHS). Dr. Mann requested a contract of commitment from MMAP regarding funding and Dr. Mann was advised that his request was not feasible because of the uncertainty of MMAP's funding status, he noted. Mr. Vickers further noted that he suggested Dr. Mann consider an alternative.

Chairperson Jones recommended removing the word alternative entity from the EDSP draft.

Following further review of the EDSP draft, Chairperson Jones recommended that the MMAP staff develop a curriculum for the workshops that were indicated on page 4.

In response to Mr. Vickers' comment that the curriculum for the workshops would be included in the contract, Chairperson Jones noted the strategic plan needed a source of reference and the curriculum should be included in the EDSP.

In response to Mr. Crapp's question as to whether both the MDCC and CBG were in agreement with the MMAP Trust Agreement, Mr. Vickers noted both entities concurred. Mr. Vickers noted some adjustments were made in the scope of services, but it had not been forwarded to the Board of County Commissioners.

Mr. Vickers noted the EDSP draft was in line with the State statute, and would keep MMAP focused on its mission.

Mr. Crapp noted he felt the money should stay in escrow until an alternative plan was developed.

Mr. Barnes noted he discussed with Dr. Mann MMAP's commitment to FMEI and he understood this required a government process.

Discussion ensued among the Trust members and MMAP staff regarding FMEI receiving additional funding from MMAP once its budget was approved.

In response to Chairperson Jones' question regarding the development of a plan regarding the scope of services from CBG, Mr. Vickers noted the development of the plan would be a part of the contract agreement. That idea was based on the disparity study and the collaborative partners through the CBG could provide internships with banks to expose students in the community to banking finance and real estate development, he noted.

Mr. Crapp noted he supported new programs, but he expressed concern regarding the course of action to meet the criteria that would be set so the money could be moved out of escrow and the idea regarding internships with banks was not included in the criteria.

Concerning FMEI being named after Dr. Pinkston, Mr. Vickers noted the MMAP staff forwarded the requirements to FMEI last year and the negotiations required a new contract.

It was moved by Mr. Robinson to approve the Draft MMAP Trust Economic Development Strategic Plan, proposing partnerships with: Florida Memorial University's Entrepreneurial Institute, The Collective Banking Group of Miami-Dade & Vicinity Inc., and Miami-Dade Chamber of Commerce; for presentation before the Social Economic Development Council (SEDC); and the Economic Development and Human Services Committee (EDHS) of the Miami-Dade County Board of County Commissioners for approval. This motion was seconded by Ms. Beverly Kovach, and being put to a vote, passed 5-2. (Members: Chairperson Jones and Dr. Marzel Smith voted in opposition to the item; and Members Ms. Veldrin Freemon and Ms. Greicy Lovin were absent).

Trust members continued the discussion regarding moving forward with the EDSP draft and that

MMAP would support FMEI in obtaining additional funds.

Mr. Vickers noted following approval of the EDSP draft, the MMAP staff would come back to the Trust with a recommendation for funding.

**5. Legislative**

**6. Budget**

**II. Executive Director's Action Items**

**A. Solid Foundation Learning Center Letter of Understanding**

Chairperson Jones relinquished the chair to Mr. Barnes.

Mr. Vickers noted the current lease with the Solid Foundation Learning Center was for the location of MLK Academy and the rental amount exceeded MMAP's capacity; however, negotiations had taken place with the landlord. He noted the issue in processing payment of the new lease amount conflicted with MMAP's initial lease agreement. Subsequently, the County's Finance Department required the amendment of the MMAP lease to be approved by the Trust.

Mr. Vickers concurred with Mr. Barnes that the rent for the MLK Academy facility was reduced from \$9,166.67 per month to \$8,333.33 and the effective date of the new lease would be retroactive from February 2007 to August 2007.

Mr. Barnes clarified that page 81 of the MMAP Agenda package indicated Reverend John Taylor, who was the landlord of MLK Academy, agreed to the new lease amount and signed the document on August 15, 2007, and savings would be approximately \$5,000.04.

Discussion ensued among the Trust members regarding the amount of savings on the new MLK Academy lease agreement.

Mr. Gonzalez noted the Finance Department required the Letter of Understanding to be approved by the Trust in order to modify the lease agreement. He also noted the old lease had an automatic clause increasing the rent by \$10,000.00 annually; therefore, the MMAP staff met with the landlord to negotiate a lower payment.

In response to Mr. Barnes' question regarding whether the foregoing item went through a process before approval of the Trust, Mr. Vickers noted the MMAP staff was unaware that negotiations to lower the MLK Academy's rent required approval by the Trust. He noted there were changes in the Finance Department's policy within the past (8) eight months.

Chairperson Jones resumed the chair.

Chairperson Jones noted an approval from the Trust regarding an amendment of a contract was always required in the Finance Department's policy.

In response to Dr. Smith's question as to whether more money would be available for maintenance if Teen Court occupied a part of the MLK Academy's location, Mr. Vickers noted those expenses were not included in the lease, but the maintenance cost would be requested from

the Teen Court budget for that occupied space.

Discussion ensued among the Trust members regarding the decision of the administrative office location at MLK Academy and additional expenses if other renovations were made.

Further discussion ensued among the Trust members regarding the need for the projected enrollment to balance with the number of teachers on staff.

Dr. Smith noted the MLK Academy staff was not responsible for the increase in cost to have enough teachers on staff for the students because those decisions were made by the MMAP staff.

It was moved by Ms. Beverly Kovach to approve the Letter of Understanding between the Solid Foundation Learning Center and the MMAP Trust retroactively modifying the lease agreement and providing a savings of \$5,000.04 to the MLK Leadership Academy. This motion was seconded by Ms. Marie Hyppolite, and being put to a vote, passed 7-0. (Members: Ms. Veldrin Freemon and Ms. Greicy Lovin were absent).

#### **B. Northside Metro Rail Lease Termination Agreement**

Mr. Vickers read the purpose of the foregoing item from the Memorandum of Approval (MOA) on page 83 in the MMAP Agenda package.

Mr. Vickers noted in the process of determining the status of the foregoing item the Miami Dade Transit Department (MDT) provided the document entitled "Termination of Northside Metrorail Station Lease" and the lease needed to be officially terminated between MMAP.

Mr. Simmons concurred with Mr. Vickers that the lease needed to be legally terminated; however, he was advised by representatives of MDT that the property was possibly sold to OCED and under the lease agreement; MDT's interest could be passed over to its assignees. He noted MMAP was fundamentally in breach with the contract and construction should have commenced two months ago.

Mr. Simmons advised the Trust members that MMAP's partner in that project had not been involved for over a year and for purposes of the organization, the lease was of no consequence.

It was moved by Mr. Tony E. Crapp Jr. to approve the Memorandum of Approval to terminate the Northside MetroRail Station Lease Agreement. This motion was seconded by Ms. Beverly Kovach and upon being put to a vote, passed 7-0. (Members: Ms. Veldrin Freemon and Ms. Greicy Lovin were absent).

#### **C. Florida Financial, LLC Contract Amendment 1**

In response to Dr. Smith's question as to whether funding for the foregoing item came from the Teen Court budget, Mr. Vickers noted yes, the funds for Florida Financial, LLC (FFLLC) were included in the Teen Court budget.

Mr. Vickers noted the foregoing item was a request for payment to FFLLC to provide the curriculum for the program. He noted the invoice was submitted to the County's Finance Department and this item was based on recommendations from the County's Finance Department.

Mr. Simmons advised the Trust members that MMAP had written an agreement assuming FFLLC could handle the payments within its capacity and MMAP would submit a reimbursement. However, FFLLC informed the MMAP staff that it could not accommodate the program's expenses, he noted. Subsequently, the request was forwarded to the County Finance Department that advised the MMAP staff the contract did not coincide with those arrangements, he also noted. Mr. Simmons noted FFLLC would have to provide a written document that payments were made and the MOA was a request to accommodate FFLLC due to lack of funds to cover the program expenses.

Mr. Simmons noted a drafted amendment to the agreement would be made to allow FFLLC to provide evidence of obligations rather than a payment.

Mr. Barnes noted he had reviewed the foregoing item and he requested information regarding the contract amount.

Mr. Simmons noted the contract agreement amount with FFLLC was for \$40,000.00 and the current invoice totaled \$18,000.00. He noted the request was to amend the agreement in order for MMAP to make a payment based on obligations incurred rather than actual expenditures made.

In response to Dr. Smith's question regarding what services were rendered from FFLLC, Mr. Simmons noted FFLLC had created a curriculum to teach the students financial economics and conducted four classes according to the direction given by MMAP. He noted the activities by FFLLC were documented in the MMAP files and attendance was 2-3 students per class.

Chairperson Jones noted the FFLLC was not responsible to provide the students for the course and it was not part of the agreement.

It was moved by Mr. Tony E. Crapp Jr. to approve the Memorandum of Approval regarding the First Amendment between MMAP and the South Florida Financial, LLC Contract. This motion was seconded by Mr. Barnes, and being put to a vote passed 6-1. Dr. Smith voted in opposition to support the foregoing item.

#### **D. Performance Report**

#### **E. Commission on Ethics Opinion concerning the MLK Institute**

Chairperson Jones relinquished the chair to Mr. Barnes.

Mr. Vickers provided a brief overview of the foregoing proposed item and noted the approval was based on an opinion by the Commission on Ethics (COE) and the Inspector General's Office (IGO). He noted the Trust requested legal advice from the County Attorney's Office and was directed to the COE. Mr. Vickers noted the opinion received from IGO dated November 5, 2007 and the opinion from COE dated October 25, 2007 cleared MLK Institute to do business with MMAP with the present Chairperson of the Trust who was also the Executive Director of the MLK Institute; however, provisos were included: The Chairperson of the Trust could not participate in negotiations nor determine terms etc. regarding the contract and could not receive any monetary benefits from the agreement between MLK Institute and MMAP.

Mr. Vickers noted the foregoing contract was identified as an issue in the report by Mr. Howard Piper and at the County Commission's Economic Development and Human Services Committee. He noted the MMAP staff forwarded the contract to the COE, Inspector General, and the County Attorney by request of the Trust.

Discussion ensued among the Trust members regarding this item as a second clearance by the Trust in order to move forward and the report from Mr. Piper to be included as an exhibit.

Dr. Smith noted for the record that Chairperson Jones served as Executive Director of the MLK Institute and he would not vote on any matter that involved the MLK Institute.

### **ADDITIONAL ITEM**

Chairperson Jones resumed the chair.

Mr. Barnes requested the MMAP staff to be excused, expressed concern regarding the course of procedures taken by the Executive Director, and noted he had a lack of confidence as to whether proper management was implemented.

Discussion ensued among the Trust members regarding the issue of mismanagement of funds and the fact that Mr. Vickers could not explain why the money that was approved by the Trust to be allocated had not been encumbered for the Lafayette Square Project.

Mr. Crapp noted that it was not politically smart to create an opening position in MMAP's administration since a change was submitted by the County Manager regarding the process of appointing the Executive Director.

Mr. Barnes concurred with Mr. Crapp that the Trust needed to make changes that would be beneficial to MMAP.

Discussion ensued among the Trust members regarding the need for MMAP to have an Executive Director who was sure of MMAP's agenda and operation.

In response to Chairperson Jones' question regarding the definition of no consideration, Mr. Barnes noted that his definition of no consideration in terms of the Executive Director was to request immediate removal from the position.

Ms. Kovach noted despite the difficult job of operating MMAP and the challenges, the focus should be the best intentions for the community. She agreed that the Trust needed to restructure itself in terms of Trust members, but MMAP should not be without an Executive Director at this time.

Chairperson Jones suggested that the motion be tabled until the next Trust meeting.

Following the discussion, Chairperson Jones noted it would better serve MMAP if this item was tabled item until December 2007.

It was moved by Mr. Barnes to rescind his motion regarding lack of confidence and immediate removal of the Executive Director.

Assistant County Attorney Shannon Summerset advised Dr. Smith that once Mr. Barnes withdrew his motion, if he was not in agreement, he could make a new motion.

Mr. Barnes explained that he rescinded his motion with the consideration of hearing input from the other Trust members and his intent was MMAP's best interest.

Discussion ensued among the Trust members regarding the results from the recommendations based on the ordinance by the Mayor and County Manager by December 2007.

Chairperson Jones noted the motion regarding lack of confidence of the Executive Director would be tabled rather than removed from the table. He noted the need to solidify MMAP by putting needed items in place for the organization.

Mr. Vickers noted his position as Executive Director of MMAP was different from other positions in the County. He noted he had not been welcomed by the Office of the Mayor or County Manager and he had not sought permission or advice on any MMAP items from the Office of the County Manager.

Mr. Vickers noted areas of improvement in MMAP within the last year and noted he did not question his loyalty to MMAP and the Trust. He noted his commitment to make improvements to administration, the MMAP HAP, and the Economic Development program as needed and recommended by the Trust. Mr. Vickers noted the Trust was not always in favor of some of the recommendations by the MMAP staff.

Dr. Smith rescinded his second motion to the foregoing item.

## **ADJOURNMENT**

There being no further business to come before the Trust, the meeting was adjourned at 3:26 p.m.

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