



**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

July 16, 2009  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Diane Collins, Acting Division Chief  
Clerk of the Board Division

Karen Harrison, Commission Reporter  
(305) 375-1296



**OFFICIAL MINUTES**  
**METRO-MIAMI ACTION PLAN TRUST**  
**MEETING OF JULY 16, 2009**

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 July 16, 2009 at 3:30 p.m., there being present: Mr. Ron Butler; Mr. David Chiverton; Mr. Robert Holland, Esq.; Ms. Stephanye Johnson; Ms. Barbara Montero; Mr. Carlos Morales; Ms. Natasha Nalls; Dr. Walter Richardson; and Ms. Tamika Robinson. (Mr. Marc Douthit, Esq.; Reverend Richard Dunn; Mr. Richard Kuper; Mr. Richard Miller; and Ms. Leigh Toney were absent).

Also present were County Commissioner Audrey Edmonson and Ms. Mae Bryant, Chief of Staff (DIST 3); and Ms. Tracie Auguste, Assistant Director for Policy & Legislative Affairs, County Mayor's Office.

**ROLL CALL**

**I. Introductions**

Staff members present were: Interim Executive Director John Dixon, Mr. Jose Gonzalez, Ms. Joann Hicks, Mr. Eric Johnson, Mr. William Simmons, Mr. Anthony Williams, Mr. Joey Walker, Ms. Pamela Green, PhD.; Assistant County Attorney Terrence Smith; and Deputy Clerk Karen Harrison.

**II. Miami Dade county Attorney's Office Board Orientation**

Assistant County Attorney (ACA) Terrence Smith presented a brief orientation in reference to his memorandum, which summarized the Trust member's obligations under the Florida Sunshine Law; Public Records Law; Code of Ethics and Conflict of Interest Law; and Financial and Gift Disclosures. He also provided a brochure containing current information on the County's Conflict of Interest and Code of Ethics.

ACA Smith advised Trust members that the County required each of them to attend a Code of Ethics training, for which a certificate would be presented upon completion. He added that the Board of County Commissioners (BCC) could remove members from the Trust for failure to comply with this requirement. He explained that all Trust meetings must be held under the Sunshine Act, which required public notice and to be held in a place accessible to the public. Additionally, minutes of the Trust meetings would be taken by the County Clerk, ACA Smith noted.

ACA Smith noted two (2) or more members of the Trust could not meet or communicate by telephone or email to discuss matters related to the Trust without the meeting being publicly noticed. He advised that each Trust member would be liable for violations under the Florida Sunshine Act, which could result in a lawsuit under civil penalties. ACA Smith noted the Trust could set certain requirements for the meetings, in terms of the decorum, including the media not being disruptive, but the media or handicapped individuals had to have access to the meetings. Subsequently, he added, MMAP staff would make arrangements for Trust meetings. He then asked the Trust members to review the memorandum and noted he would attend all Trust meetings to address any issues regarding the Sunshine Law. ACA Smith noted all conversations

held by Trust members should be made audible and notes could not be passed among members.

ACA Smith also noted he had the Trustee's bible that was published by the Attorney General's Office, which issued a lot of opinions on the Sunshine Law and was used by the County Attorney's Office as a guideline. He encouraged the Trust members to come to him with any questions regarding the Sunshine Law. ACA Smith advised that emails among Trust members, minutes and recordings of Trust meetings were public records and should be open to the public.

Additionally, ACA Smith noted there was a record custodian for every County department and a retention schedule that had to be maintained by every department. He advised the Trust members if they decided to take notes at the meetings to consider those notes could be made public.

In terms of the "conflict of interest" provision, the County Attorney's Office generally would not issue any opinions related to whether a Trust member had a conflict of interest, which would be the responsibility of the Commission on Ethics and Public Trust (COE), ACA Smith noted. He explained that Trust members could not have any contracts with the Trust; therefore, members should not have any conflicts of interest. He explained that the Sunshine Law only allowed Trust members to abstain from voting in the event of a conflict of interest. Subsequently, a Trust member could decide if there was a conflict of interest through the COE before attending that Trust meeting, and if that member wished to abstain, the member should be absent from the discussion of that particular item.

Regarding the financial and gift disclosures, ACA Smith noted that each Trust member should submit a financial and gift disclosure to the Elections Department on July 1<sup>st</sup> for each term that was served on the Trust, which was required by the County, as well as the Florida statues. He also noted as this date drew near, he would explain the process for completing the necessary forms to the Trust members.

Mr. John Dixon noted an item would be placed on all future Trust meeting agendas for "Conflict of Interest" issues.

### **III. Election of Officers**

Assistant County Attorney (ACA) Terrence Smith referred to the By-Laws and noted in February 2007, there were amendments that were never incorporated into a final document. He noted this Trust needed to elect two (2) Vice Chairs and a Chairperson. ACA Smith suggested that nominations be made by the Trust members today to allow time for the nominee(s) to respond, and that the election would take place at the next Trust meeting; however, the Trust needed a leader now in order to move forward.

It was moved by Reverend Walter Richardson that the Trust members nominate individuals for the foregoing offices today and hold the final election at the next Trust meeting. This motion was seconded by Mr. Robert Holland.

ACA Smith noted the Trust members could appoint a member to lead this meeting and pointed out that Mr. Holland served as Chairperson on the Interim MMAP Trust.

Reverend Richardson asked that the Assistant County Attorney lead the Trust through the election process to ensure procedures were handled correctly. He introduced himself and noted during his tenure of working with MMAP Trust as chairperson of the MMAP Nominating Committee, he worked closely with Mr. Holland, who served as Chairperson of the MMAP Interim Trust.

ACA Smith noted if Mr. Holland accepted the nomination, then his name would be put on the ballot for the next meeting. He noted the nominating process was to determine who would be interested in those positions. ACA Smith advised the Trust members to take a vote regarding the process.

It was moved by Reverend Richardson that the Trust would proceed with the nominating process today and hold the election of the Trust Chair and two (2) Vice Chairs at the next MMAP Trust meeting. This motion was seconded by Mr. Chiverton, and being put to a vote, passed 9-0. (Ms. Leigh Toney, Ms. Treska Rogers, Mr. Richard Miller, Reverend Richard Dunn II, and Mr. Richard Kuper were absent)

In response to the Trust's nomination of a Chairperson, Mr. Holland noted he would accept with the condition of serving as Chairperson for only one (1) term, which equaled two (2) years.

It was moved by Reverend Richardson that the nomination for a Trust Chairperson be closed and Mr. Robert Holland be appointed as Chairperson of MMAP Trust. This motion was seconded by Ms. Tameka Robinson, and being put to a vote, passed 9-0. (Ms. Leigh Toney, Ms. Treska Rogers, Mr. Richard Miller, Reverend Richard Dunn II, and Mr. Richard Kuper were absent).

ACA Smith noted the role of the Vice Chair position would be that in the event the Chairperson could not serve, then the Vice Chair would assume the position for the meeting or assume the Chairperson's position if the Chair was permanently removed for the remaining term. He also noted that the second Vice Chair would continue in that role as the first Vice Chair.

ACA Smith proposed that once the Trust moved forward with the election of offices, a designated By-Laws Committee needed to be appointed to work with the County Attorney's Office in making revisions. He recommended copies of the entire set of By-Laws be given to the Trust members at the next meeting.

Mr. John Dixon noted that the Trust members had the current By-Laws, excluding the part that was amended.

In response to Reverend Richardson's inquiry regarding whether the nominees for the two (2) Vice Chair positions had to be present at the meeting to be considered, ACA Smith replied no, and pointed out that 14 Trust members were present, and if a member declined the nomination, his/her name would be removed from the list of nominees.

Following the discussion, Assistant County Attorney Smith advised the Trust members there should be a 1<sup>st</sup> and 2<sup>nd</sup> Vice Chair position and the By-Laws needed to be amended. He noted by appointing those specific positions, the responsibilities of each Vice Chair would be clear.

Mr. Robert Holland acknowledged there were some nominations made, but urged new Trust members interested in the positions, to make a request. He suggested during the nomination period, that the members who were nominated give a brief presentation about themselves, since the Trust members were not familiar with each other.

Mr. Holland nominated Mr. Marc Douthit as Vice Chair for the Trust.

Mr. Ron Butler nominated Ms. Stephanye Johnson as Vice Chair, which she declined due to current obligations.

Ms. Natasha Nalls noted she was interested in the Vice Chair position for the Trust.

Ms. Barbara Montero also noted she was interested in the Vice Chair position for the Trust.

It was moved by Mr. Robert Holland that the nomination for two Vice Chair positions be closed. This motion was seconded by Reverend Walter Richardson and being put to a vote, passed 9-0. (Ms. Leigh Toney, Ms. Treska Rogers, Mr. Richard Miller, Reverend Richard Dunn II, and Mr. Richard Kuper were absent)

Responding to Ms. Montero's inquiry regarding the responsibilities of the Vice Chair, ACA Smith noted that in the past, Action Committees worked with the Vice Chairpersons; however, the structure of the committees needed to be discussed at the next Trust meeting.

Mr. Holland noted the need for a total restructure of MMAP and the need for organizational changes with the Action Committees, in terms of the type of assistance and new policies that would come through Commissioner Edmonson as recommended by the MMAP Oversight Board.

County Commissioner Audrey Edmonson (DIST 3) welcomed the new Trust members and noted she was thankful for the time, talents and expertise they donated. She also noted that she sat on the Nominating Committee, which was pleased with the candidates who made presentations.

Commissioner Edmonson recognized the MMAP Oversight Board members who made recommendations to the County Commissioners as follows: Mr. H.T. Smith; Mr. Patrick Range Sr.; Mr. Darryl Sharpton; the Honorable Betty Ferguson; and City of Hialeah Mayor Julio Robaino. She also noted she was still reviewing those recommendations with the help of ACA Smith; however, there was a first reading on the ordinance regarding the name change of MMAP to "Miami-Dade Economic Advocacy" and the final reading and presentation at the Board of County Commissioners (BCC) meeting would be scheduled for July 21, 2009 in order to move forward. Commissioner Edmonson noted the other recommendations were as follows: Develop a Mission Statement; Conduct a Disparity Study within Miami-Dade County; and Present a Score Card to the BCC evaluating the various entities including the County Governmental Agencies.

Commissioner Edmonson noted that one (1) more member was waiting to join the Trust, by the name of Ms Treska McMillan-Rogers, who was a representative of Miami-Dade County Public Schools, and approval of this item would also be on the agenda of that BCC meeting. She urged the new Trust members to move forward and restructure this organization in order to earn a good

reputation in the community. Commissioner Edmonson noted she was excited about this transition and expressed her appreciation for the Trust members who did a lot of community service.

Commissioner Edmonson pointed out how everyone volunteered and highlighted the process of putting together the following three (3) Boards: MMAP Oversight Board; MMAP Interim Trust; and MMAP Nominating Committee. She urged the Trust members to move forward and to identify what the next move would be regarding the process of restructuring the organization. Commissioner Edmonson commended Mr. Robert Holland for taking the lead with the MMAP Interim Trust and she was pleased that he was nominated for the MMAP Chairperson position.

Mr. Dixon expressed appreciation for the support given by Commissioner Edmonson on behalf of the MMAP staff.

Commissioner Edmonson addressed the poor conditions surrounding MMAP and stressed how important it was to be selective in bringing in leaders who were respected in the community and would help save this organization. She said she was looking forward to a new start for MMAP.

Ms. Barbara Montero noted that she attended the County Commission meeting when the presentation was made by the Oversight Board and she wanted clarification as to whether the changed name for MMAP intended to focus more on Economic Advocacy than the other programs that appeared to be well developed.

Commissioner Edmonson noted the recommendations made by the Oversight Board had to be decided by this Trust, and as a sponsor, she would present them to the BCC for approval. She also noted that MMAP's staff worked under the Trust. Commissioner Edmonson noted the recommendations included MMAP would become an advocacy group, and the Teen Court program would transition out from MMAP and into an entity chosen by the MMAP Trust. She also noted that MMAP's staff recommended Miami-Dade County Juvenile Justice; however, this Trust would finalize that decision, and present it to the BCC for approval.

Additionally, Commissioner Edmonson noted the recommendations also included the Housing program would continue operating under MMAP, but the function of the other programs would be at the discretion of this Trust.

#### **IV. Selection of Board Meeting Date and Time**

Mr. Dixon noted the former Trust members met every third Wednesday of each month at noon; however, the decision was now left up to this Trust.

Discussion ensued among the Trust members regarding a time to meet that would be convenient for the majority of members.

It was moved by Mr. Ron Butler that the MMAP Trust meetings be held on the third Thursday of each month at 3:30 p.m. This motion was seconded by Ms. Barbara Montero, and being put to a vote, passed 9-0. (Ms. Leigh Toney, Ms. Treska Rogers, Mr. Richard Miller, Reverend Richard Dunn II, and Mr. Richard Kuper were absent).

**Non-Agenda Items**

Mr. Dixon provided a copy of the Fiscal Year (FY) 2009-10 Proposed Resource Allocation and Multi-Year Capital Plan to the Trust members to review.

In response to Mr. Robert Holland’s inquiry regarding several reports and recommendations requested by the Interim Trust to be forwarded by staff, to the new Trust Board members, Mr. Dixon noted the information was in the package that the new Trust members received during the meet and greet gathering. He noted there were handouts describing the MMAP programs, and budgets.

Reverend Richardson asked that he receive the information by email, rather than in a written document.

Mr. Dixon provided Trust members with a copy of the proposed resolution presented to the BCC with recommendations made by the Oversight Board to the Trust members.

Mr. Robert Holland noted there were minutes from the Interim Trust meetings that were not approved and he asked the County Attorney how this could be addressed.

Assistant County Attorney (ACA) Smith noted three (3) of the new Trust members who served on the Interim Trust were: Reverend Walter Richardson; Reverend Richard Dunn II; and Mr. Robert Holland. He also noted it would be acceptable if those members would approve those minutes to be consistent with the Interim meetings. ACA Smith noted unfortunately, the Interim Trust faced a similar problem concerning minutes from the former Trust that was dismantled, that needed to be approved also, but as he had explained, the minutes were required by the Sunshine Law.

In response to Mr. Holland’s question of whether those minutes needing approval were available, ACA Smith answered yes, adding that the minutes should be scanned and emailed to all the Trust members so they could be reviewed before the next meeting. He also suggested, in terms of moving forward, that the minutes for the Trust meeting be handled in that same manner.

**Adjournment**

Hearing no further business, the Interim Trust adjourned the meeting at 4:39 p.m.



Robert Holland., Chairperson  
Metro Miami Action Plan Trust





**METRO-MIAMI ACTION PLAN  
BOARD MEETING  
JULY 16, 2009**

**A G E N D A**

**Roll Call**

- I. Introductions**
- II. Miami Dade County Attorney's Office Board Orientation**
- III. Election of Officers**
- IV. Selection of Board Meeting Date and Time**

**Adjourn**

# Memorandum



**Date:** July 16, 2009  
**To:** Honorable Members of the Metro Miami Action Plan Trust  
**From:** Terrence A. Smith, Assistant County Attorney *TAS*  
**Subject:** The Sunshine Law, Conflict of Interest, and Financial Disclosure

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The Metro Miami Action Plan Trust (MMA) was established pursuant to Article XLVIII, Section 2-501 et seq. of the Code of Miami-Dade County. This ordinance sets forth certain duties and responsibilities. In addition to the resolution and its mandates, the Sunshine Law (Section 286.011, Fla. Stat.), the Public Records Act (Chapter 119, Fla. Stat.), and the state and county conflict of interest laws (Chapter 112, Fla. Stat. and Section 2-11.1, et. seq. of the Code of Miami-Dade County) apply to MMA and its Board of Trustees. Each member of this Trust is responsible for knowing and abiding by these laws. The purpose of this memorandum is to highlight certain parts of these laws and is not intended to be a substitute for reading the actual statutes, ordinances and resolutions.

## THE FLORIDA SUNSHINE LAW

As a public body, the Trust is subject to the Florida Sunshine Law (Sunshine Law). The Sunshine Law requires:

- All meetings of must be open to the public
- That reasonable notice of such meeting must be given; and
- Minutes of the meetings must be taken.

The Sunshine Law strictly prohibits any meeting, whether formal or causal, between two or more board members to discuss some matter on which foreseeable action that will be taken by the board. There is no requirement that a quorum be present for a meeting of members of a public board to be subject to s. 286.011. The consequences of a Sunshine Law violation may be a criminal penalty against the individual violator(s) and it may cause the action taken by the board to be set aside. Such violation may also subject the individual or the board to civil liability, and attorney's fees

### **A. Types of Covered Communication**

The following are types of communications that may be covered by the Sunshine Law. This list is not meant to be exhaustive.

- Written correspondence between board members which is circulated among the members for comments and comments are provided
- Telephone conversations and meetings
- Computers, e-mails and other technology
- Informal discussions, workshops

### **B. Types of Communication Not Covered**

The following are types of communication that may not be covered by the Sunshine Law:

- Meetings between board members of different boards

- Meetings between a board member and his or her alternate
- Meetings between government officials and a board member

### **C. Reasonable Notice**

The rule of thumb is that all meetings, including meetings that are continued, shall be reasonably noticed. There is no mandate that the notice provide information regarding every item to be discussed via a published agenda. However, an agenda should be prepared for each meeting.

### **C. Public Right to Participate**

The following is a list of dos and don'ts regarding public participation. This list is not meant to be exhaustive.

- Do ensure that the facility used for meetings is adequate in size to accommodate the public.
- Do ensure that the facility and the meetings are accessible to persons with disabilities.
- Don't have inaudible or off-the-record conversations concerning board matters.
- Don't exclude members from the public, including the media.
- Don't exclude non-disruptive tape recording of meetings.
- Do allow the public to participate.
- Do establish reasonable rules for public participation.
- Don't vote by secret ballot.
- Don't abstain from voting unless, you have a conflict of interest (as discussed in more detail below).
- Do take written minutes (tape recording is permissible but not mandatory).

### **PUBLIC RECORDS LAW**

Any documents, including all papers, letters, maps, books, tapes, photographs, films, sound recording, data processing software, or other material regardless of physical form, characteristics, or means of transmission, made or received produced by or for the Trust are open to public inspection under the Public Records Act. In the age of technology the Public Records Act has also been interpreted to extend to computer records and e-mail, excluding private e-mails stored on a government computer. Notwithstanding this requirement, the Public Records Act establishes a number of exemptions which a governmental entity may claim. These exemptions are too numerous to list herein, as to whether a record is or is not exempt should be directed to the records custodian for the Trust and/or the County Attorney's Office.

### **CODE OF ETHICS AND CONFLICT OF INTEREST LAW**

The Trust members are subject to the state and county conflict of interest laws. According to state law, an advisory board member of an agency shall not hold any employment or contractual relationship with any business entity which is subject to regulation or is doing business with the agency for which he/she is an advisory board member.

According to county law, a board member is prohibited from entering into a contract or business transaction with Miami-Dade County if he/she or an immediate family member has a financial interest. Generally, a board member cannot enter into a contract or business transaction with Miami-Dade

County through a corporation, partnership, and business, firm in which he/she or a family member has a controlling financial interest.

All Trust members should refrain from participating, discussing, debating, or voting on any issue presented to the Trust in which he/she has a direct personal or pecuniary interest. As provided by State law, the Trust member shall recuse himself or herself from any discussion or vote on any matter which would inure to the special private gain of: him or herself; a principal by whom he/she is retained or the principal's parent or subsidiary organization; a family member; or business associate.

Also, Trust members are required to file a sworn statement with the Clerk of the Board if he or she is involved with a business (or immediate family is involved with a business) that transacts business with the County, and the Trust member's interest (or immediate family member's interest) is not a controlling financial interest.

There are several other sections of the state and county laws that pertain to Trust members regarding gifts, appearances, etc., so please take the time to read them.

If you think you may have a conflict of interest under the state or county laws, please contact the Miami-Dade County Commission on Ethics and Public Trust or the State of Florida Commission on Ethics, in writing, to request a written opinion. The **Miami-Dade County Commission on Ethics and Public Trust** can be reached at **175 N. W. First Avenue, Suite 1100, Miami, Florida 33128, telephone (305) 579-2594; fax (305) 579-2656** and will only respond to written requests. The **State of Florida Commission on Ethics** can be reached by **telephone at (850) 488-7864 or by facsimile at (850) 488-3077.**

### **FINANCIAL AND GIFT DISCLOSURE**

All Trust members must comply with the state and county financial and gift disclosure requirements by noon on July 1 of each year. Boards that are solely advisory are exempted from the State financial and gift disclosure requirements, but must comply with the County financial and gift disclosure requirements.

Each Trust member must file the financial disclosure with the Miami-Dade Elections Department. This information is considered a public record.

# MEMORANDUM

HCD

Agenda Item No. 2A

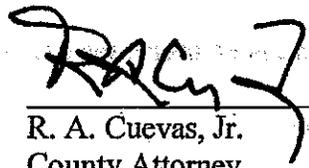
**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** July 15, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution directing MMAP  
to conduct a feasibility study  
relating to the establishment  
of a foundation to secure funding  
for the Trust and directing MMAP  
to provide a recommendation  
of entities to which to transfer  
the Teen Court Program

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss      DATE: July 21, 2009  
and Members, Board of County Commissioners

FROM:   
R. A. Suevas, Jr.  
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
7-21-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE METRO MIAMI ACTION PLAN TRUST ("MMAP") OR ITS SUCCESSOR ENTITY TO CONDUCT A FEASIBILITY STUDY RELATING TO THE ESTABLISHMENT OF A FOUNDATION TO SECURE FUNDING FOR THE TRUST; AND DIRECTING MMAP TO PROVIDE A RECOMMENDATION OF ENTITIES OR ORGANIZATION TO WHICH TO TRANSFER THE TEEN COURT PROGRAM

WHEREAS, this Board adopted Resolution No. R-1271-08, which created the Metro Miami Action Plan Trust Oversight Review Board ("Oversight Board"); and

WHEREAS, the Oversight Board was created to perform those certain duties and functions specified in Section 6 of said resolution, including but not limited to making final findings and recommendations regarding the oversight and management of Metro Miami Action Plan Trust ("MMAP"); and

WHEREAS, on June 30, 2009, the Oversight Board submitted to this Board their final findings and recommendations; and

WHEREAS, the Oversight Board recommends that MMAP or its successor entity should be directed by this Board "to chart a course of action that will lessen its dependency on County General Funds"; and

WHEREAS, the Oversight Board further recommends that this Board consider the establishment of a foundation to enhance MMAP or its successor entity's ability to secure funds from philanthropic and other non-tax based sources; and

WHEREAS, the Oversight Board also made recommendations related to MMAP's Teen Court Program; and

**WHEREAS**, on December 15, 1998, this Board adopted Ordinance No. 98-185 pursuant to 938.19 of the Florida Statutes; and

**WHEREAS**, said ordinance imposes a three dollar (\$3.00) court cost upon every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or county or municipal ordinance or who pays a civil penalty; and

**WHEREAS**, said ordinance also requires the Clerk of the Circuit Court to remit the three dollar (\$3.00) assessment to the County's Teen Court Program; and

**WHEREAS**, on December 15, 1998, the Board adopted a policy whereby it designated MMAP to be the entity to administer and operate the Teen Court Program in Miami-Dade County; and

**WHEREAS**, the Oversight Board recommends that the Teen Court Program remain under the jurisdiction of MMAP or its successor entity for no more than three (3) years; and

**WHEREAS**, the Oversight Board recommends that at the end of the three-year period and pursuant to Florida Statute 938.19(6), the Board should authorize the transference of the administration of the Teen Court Program from MMAP or its successor entity to any of the following entities: a non-profit organization, a law enforcement agency, a court administrator, the Clerk of the Court, or any other similar agency; and

**WHEREAS**, the Oversight Board further recommends that MMAP or its successor entity's Board of Trustees should provide recommendations relating to the successor entity that should be responsible for the Teen Court Program to the Board; and

**WHEREAS**, the Oversight Board concludes that by transferring the Teen Court Program from MMAP or its successor entity it would allow MMAP or its successor entity to focus on the

implementation of a structure that supports the organization's proposed new focus on economic development; and

WHEREAS, this Board supports the recommendations of the Oversight Board as described herein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs MMAP or its successor entity to conduct a feasibility study relating to the establishment of a foundation by this Board that will focus on enhancing MMAP or its successor entity's ability to secure funds from philanthropic and other non-tax based sources.

Section 2. Directs MMAP or its successor entity's Board of Trustees within three (3) years from the date of this resolution to provide this Board with their recommendation of a non-profit organization, a law enforcement agency, a court administrator, the Clerk of the Court, or any other similar agency to which to transfer the Teen Court Program.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

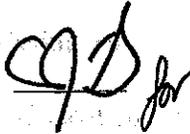
The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of July, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Terrence A. Smith

# Memorandum



**Date:** June 30, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

Agenda Item No. 12(B)1

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess".

**Subject:** Final Report of the Metro-Miami Action Plan Oversight Review Board

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Attached please find the Final Report of the Metro-Miami Action Plan (MMAP) Oversight Review Board as discussed and adopted by the Oversight Review Board at its meeting of May 28, 2009.

As you recall, the MMAP Oversight Review Board was created through Resolution R-1271-08 to review MMAP's management structure and functions, the future oversight of MMAP, establish benchmarks, and serve in an advisory capacity to the Board of County Commissioners and Mayor, among other things.

The attached report contains the observations and recommendations of the MMAP Oversight Review Board. In addition, a list of the MMAP Oversight Review Board's meeting dates is also included.

Attachments

A handwritten signature in black ink, appearing to read "Cynthia W. Curry".

Cynthia W. Curry  
Senior Advisor to the County Manager

**MMAP Oversight Review Board Report****Board Charge**

This report is respectfully presented by the MMAP Oversight Review Board (hereinafter referred to as ORB) in response to the Board of County Commissioners (hereinafter referred to as BCC) adoption of Resolution R-1271-08 on November 20, 2008. This resolution's primary sponsor was Commissioner Audrey Edmonson, with Vice-Chairwoman Barbara Jordan and Commissioner Dennis Moss as co-sponsors. The duties, functions and responsibilities of the ORB were designated as follows:

- To explore various options related to the oversight and management of MMAP. Including but not limited to the possibilities of restructuring, merging MMAP with another department or office of Miami-Dade County, the complete dismantlement of MMAP and/or the creation of a new entity to address those areas that are currently assigned to MMAP.
- To explore the potential role of this Board and/or the County's administration with respect to the future oversight of MMAP;
- To develop benchmarks related to the functions and responsibilities of MMAP.
- To make additional recommendations that address all aspects of MMAP's operations, including but not limited to addressing certain MMAP functions that will assist the agency in achieving its mission.
- To make final findings and recommendations to the Miami-Dade Board of County Commissioners and the Mayor regarding the oversight and management of MMAP.
- To serve in an advisory capacity to the Miami-Dade Board of County Commissioners and the Mayor of Miami-Dade County and other public and governmental entities with respect to all issues affecting or relating to the duties charged herein.

**Background**

The Metro Miami Action Plan (MMAP) was created in 1983 for the purposes of improving economic conditions in the Black community and to address existing disparities between Blacks and the community at large. The following four indicators defined MMAP's core mission: education; economic development and employment; housing; and criminal justice.

Historically, MMAP had primarily focused on providing homeownership opportunities and alternatives for at-risk youth through the operation of the Teen Court Program and derives most of its funding from Documentary Stamp Surtax revenue, General Fund, Traffic Ticket Surcharges, Miami-Dade County Public School System, and eight percent Local Business Tax (*since redirected to the Beacon Council and replaced by General Fund support*).

## MMAP Oversight Review Board Report

The ORB and the Interim Board of Trustees convened its first joint meeting on December 18, 2008. At this meeting, the ORB nominated and unanimously selected Attorney H.T. Smith as Chairman.

The ORB began its tasks by thoroughly reviewing a binder of resource materials on MMAP that included applicable BCC ordinances and resolutions, organizational profile, budget, program descriptions, existing MMAP Annual Reports (04-06; 06-7), current contracts, the 2006-2007 study **"Thirty-Year Retrospective: The Status of the Black Community in Miami-Dade County"** (hereinafter referred to as the **FIU Study**) conducted by the Metropolitan Center, Florida International University (FIU) ; and the AMS Follow-Up Audit Report.

In an effort to gain a better understanding of what MMAP's history had been and its overall effectiveness in the community, the ORB invited the past MMAP Executive Directors and the Interim Director to present an overview of their tenures' accomplishments, challenges to the achievement of the stated mission, needs, and recommendations for future direction of the program. The ORB also received a presentation on a few organizations in comparable metropolitan areas with programs similar to that of MMAP.

After careful consideration of the information received from past MMAP executive directors and the interim director, resource materials and reports, a review of the 2006-2007 FIU Study, the ORB unanimously agreed that an entity like MMAP could effectively address economic conditions and issues and hold intrinsic value for the Black residents of Miami-Dade County and the community at large. Further, the ORB's position is supported by the 2006-2007 FIU Study's finding: *"The latest version of the study reveals the persistence of the basic disparities between racial and ethnic communities that existed in Miami-Dade County in 1983"*.

It is important to note that economic conditions are one of the most significant determinants impacting the overall well-being of a community. Therefore, economic development is an effective engine for strengthening communities and is one of the critical mechanism by which poverty can be significantly reduced; jobs are created and retained, crime is reduced and all of the quality of life indicators are improved. While such development and initiatives support the creation of strong communities, formidable and effective advocacy efforts cannot be ignored for the value it brings in sustaining and ensuring the viability of those same communities. The ORB strongly believes that given these assertions coupled with the continued disparities faced by Blacks in Miami-Dade County, there continues to be a need for an organization to address these issues.

The series of subsequent discussions provided the impetus for the body of work that the ORB utilized in order to achieve its tasks to develop and define an organizational name, mission statement, structure, and goals.

### MMAP Mission

The ORB began the process by deconstructing MMAP's previous mission and role. Given the vastness of the mission of "reducing disparities", the ORB questioned the ability of any agency to fulfill such a broad based mission with such limited powers,

## MMAP Oversight Review Board Report

inadequate human and financial resources, and lack of authority. The ORB further asserts that any agency that is significantly underfunded for such an expansive mission is severely handicapped and cannot succeed.

The ORB determined that the mission of MMAP must be refocused and revamped in order to sufficiently respond to its created purpose. To this end, the ORB determined that the recommended core mission of MMAP should be focused on economic development with workforce development as an integral part thereof. Since housing is vital to economic development, the new organization would continue to operate its Surtax funded housing program.

Additionally, a viable and successful organization always has a compelling mission statement that is reflective of its business and mission. This statement serves the best interests of an organization when it is written in a clear and concise manner. In analyzing the previous mission statement, the ORB found it too broad and ambiguous. Further, the mission statement and program activities were largely inconsistent.

The ORB proposes the following mission statement:

*To ensure the equitable participation of Blacks in Miami-Dade County's economic growth through advocacy and monitoring of economic conditions and economic development initiatives in Miami Dade County.*

### Role of MMAP

As it relates to the role of MMAP, the ORB examined and assessed a number of existing resources that have the mission of reducing and/or eliminating economic blight in communities with significant Black populations. As such, these resources provide an opportunity for improving economic and other conditions of Blacks in those communities potentially resulting in a reduction of the disparities that currently exist. However, there was no evidence of coordination even among those government entities charged with the responsibility and funded to improve the conditions in blighted communities largely populated by Blacks. This lack of coordination is further exacerbated by the absence of meaningful and focused ongoing public-private collaborations. The ORB believes that the criticality of these gaps make any significant sustainable black economic development and/or participation in the County's economic opportunities almost impossible. A reconstituted, refocused, and properly funded MMAP has the unique opportunity to bridge these gaps.

The ORB envisions the new role of MMAP to function primarily as an advocacy and coordinating entity, fostering collaborations and building strong alliances with entities that target issues that affect the economic growth and conditions in blighted communities and fostering the equitable participation of Blacks in economic development activities in Miami-Dade County. Additionally the ORB believes that in its new role, MMAP should emerge as the leader/facilitator of this collective and assist in the development of a coordinated strategic plan.

## MMAP Oversight Review Board Report

A stalwart advocacy-focused entity will provide the Black community of Miami-Dade County with: 1) strategic opportunities to improve economic and social conditions, 2) foster the economic well-being of Blacks in the most vulnerable communities, and 3) coordinate the communal, governmental, and non-governmental resources necessary to build and sustain a robust community.

Given this leadership/facilitator role, the secondary and equally important role is that of monitoring both governmental and non-governmental entities charged with and funded to improve conditions in blighted communities as well as improving economic conditions of Blacks in Miami-Dade County. The new MMAP would be responsible for tracking and reporting on the activities and the achievements of the entities charged with and funded to improve conditions of Blacks in these blighted communities. The results of this monitoring would be issued annually as a *report card* to the community on the activities and the effectiveness of these entities on improving the economic conditions of Blacks in Miami-Dade County.

### Proposed Name Change

Equally important as its mission and role, an organization's name should suggest its purpose and mission. MMAP as a name is inconsistent with its original mission, and provided no identification of its mission. This inconsistency would continue with the newly created mission should the name remain the same. The ORB posits that the bestowal of a new name is connotative of a new beginning. Additionally, changing the name provides an important segue for the renewal of the original social and economic commitments that marked the birth of MMAP. This name change would also facilitate the beginning of positive branding allowing for the creation of a new synergy. To this end, the ORB proposes that MMAP be renamed ***Miami-Dade Economic Advocacy Trust (MDEAT)***.

### Organizational Structure

The ORB strongly advocates that the new organizational structure aligns itself with the new mission and role of the organization. Programmatically, the ORB recommends that The Teen Court Program remain under the jurisdiction of the new structure no more than 3 years. At the conclusion of this time period, Florida Statute 938.19 (6) requires the BCC to authorize the administration of the Teen Court Program to any of the following entities: non-profit organizations, law enforcement agencies, court administrator, Clerk of the Court, or any other similar agency. However, the ORB believes that MMAP's Board of Trustees should provide recommendations for providers to the BCC. This program modification would allow for the implementation of a structure that supports the organization's new focus on economic development.

Attachment (A) reflects the proposed organizational structure of the new organization with the Teen Court Program. Attachment (B) reflects the proposed new organizational structure without the Teen Court Program.

## Reporting

The ORB recommends that the reporting relationship for the new Board remains as codified in the current ordinance. That is, the new Board would continue reporting to the Board of County Commissioners and that all other current relationships with County support departments remain unchanged. The ORB further recommends that Commission Auditor's Office expertise be engaged to promote broader oversight of the new structure's activities. The ORB also recommends that all MMAP information submitted to the BCC is shared simultaneously with the Mayor.

Additionally, the success of the recommended structure resides with the ability to engage staff with sufficient qualifications and skill sets to effectively negotiate and engage a cross-section of the public and private business sectors on economic development issues. Further, a critical component of the new structure's success hinges on the staff's capacity to develop and maintain partnerships and orchestrate collaborative agreements that further the mission and achieve the stated goals and objectives. The ORB also recommends that the new Board of Trustees perform an analysis of the Executive Director and all staff positions to determine the relevancy of their experience and skills in achieving the new stated mission.

## Organizational Goals

Given the charge of the ORB, the goals presented here are intended to serve as guidance to the new Board who must engage its partners in the development of a strategic plan with specific activities that will ensure the new Trust Board's success in achieving its mission. These activities must be bench marked in order to ensure maximum accountability and transparency. The guidance provided here allows the new board the autonomy necessary to carry out its charge. The ORB recommends the following for the new organization:

- Serve as an economic stimulator for Black businesses targeting all significant development and procurement initiatives (e.g., government funded, public-private ventures, etc.)
- Initiate and maintain collaboration with private and public sector economic development entities to ensure the equitable participation of Blacks in Miami-Dade County's economy.
- Advocate and make recommendations to organizations throughout Miami-Dade County to facilitate the equitable participation of Blacks in all facets of economic development and growth.
- Advocate and facilitate the development of collaborative partnerships to promote workforce readiness in the Black community to meet industry demands.
- Advocate and facilitate the development of covenants among leading businesses in Miami-Dade County to foster Black Business Development while strengthening the businesses' commitment to provide economic opportunities for Blacks in eight key areas:

MMAP Oversight Review Board Report

- o Employment and diversity,
- o Marketing and advertising,
- o Distributorships/franchises,
- o Minority retailers,
- o Purchasing,
- o Professional and other financial services,
- o Corporate contributions, and
- o Board Representation

**Summary of Key Recommendations:**

The following recommendations are presented for consideration by the Board of County Commissioners:

1. The current MMAP be restructured as an advocacy and monitoring entity focusing on economic development with workforce development as an integral part thereof. Since housing is vital to economic development, the new organization should continue to operate its Surtax funded housing program, with the following new mission: *To ensure the equitable participation of Blacks in Miami-Dade County's economic growth through advocacy and monitoring of economic conditions and economic development initiatives in Miami Dade County.*
2. The reporting relationship between the new MMAP Board and the BCC remain as codified in the current ordinance.
3. The current MMAP name be changed to the Miami-Dade Economic Advocacy Trust (MDEAT).
4. The new organization should not function as a service provider and that the Organization be given no more than three years to transition the Teen Court Program to another provider.
5. The new organization presents an annual scorecard that reflects the performance of those entities, (both public and private) charged with and funded to improve conditions in blighted communities.
6. The new Board of Trustees conduct a disparity study to ensure that it begins its new direction from a current perspective on economic conditions of Blacks in Miami Dade County.
7. The new Board of Trustees be directed to chart a course of action that will lessen its dependency on County General Funds. In an effort to assist with this task, the BCC also should consider the establishment of a foundation to enhance the new organization's ability to secure funds from philanthropic and other non-tax based sources; and

MMAP Oversight Review Board Report

8. As originally mandated in the motion that passed on June 7, 1994, the BCC should require The Beacon Council to submit the eight (8) percent Local Business Tax revenues to the new organization to carry out its mission.

**Conclusion**

The ORB strongly believes that these recommendations, if implemented, create an opportunity for the greatest number of those underserved in our community. It also provides them a tangible opportunity to participate in the economic gains many experience in our community.

The challenges facing the new Board of Trustees are significant. Its success will require a renewed cooperation and commitment from both the public and private sectors. This is our community and we must all make a concerted effort to eliminate the disparities that are preventing Miami-Dade County from being the world class community it desires and is needed to be.

Finally, the ORB is cautiously optimistic that a reconstituted and refocused MMAP has a very unique opportunity to ensure that Blacks can equitably participate in Miami-Dade County's economic activities and growth, if and only if, it is properly funded and supported by County leadership and management.

**MMAP Oversight Review Board Meeting Dates\***

1. December 18, 2008
2. January 7, 2009
3. January 29, 2009
4. February 10, 2009
5. February 26, 2009
6. March 12, 2009
7. April 2, 2009
8. April 28, 2009
9. May 6, 2009
10. May 12, 2009
11. May 28, 2009

\*Quorum was met on all meeting dates.

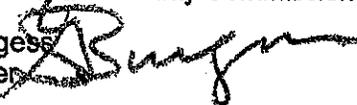
# Memorandum



**Date:** June 30, 2009

Supplement to  
Agenda Item No. 12(B)1

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**From:** George M. Burgess   
County Manager

**Subject:** Supplemental Information to Final Report of the Metro-Miami Action Plan Oversight  
Review Board

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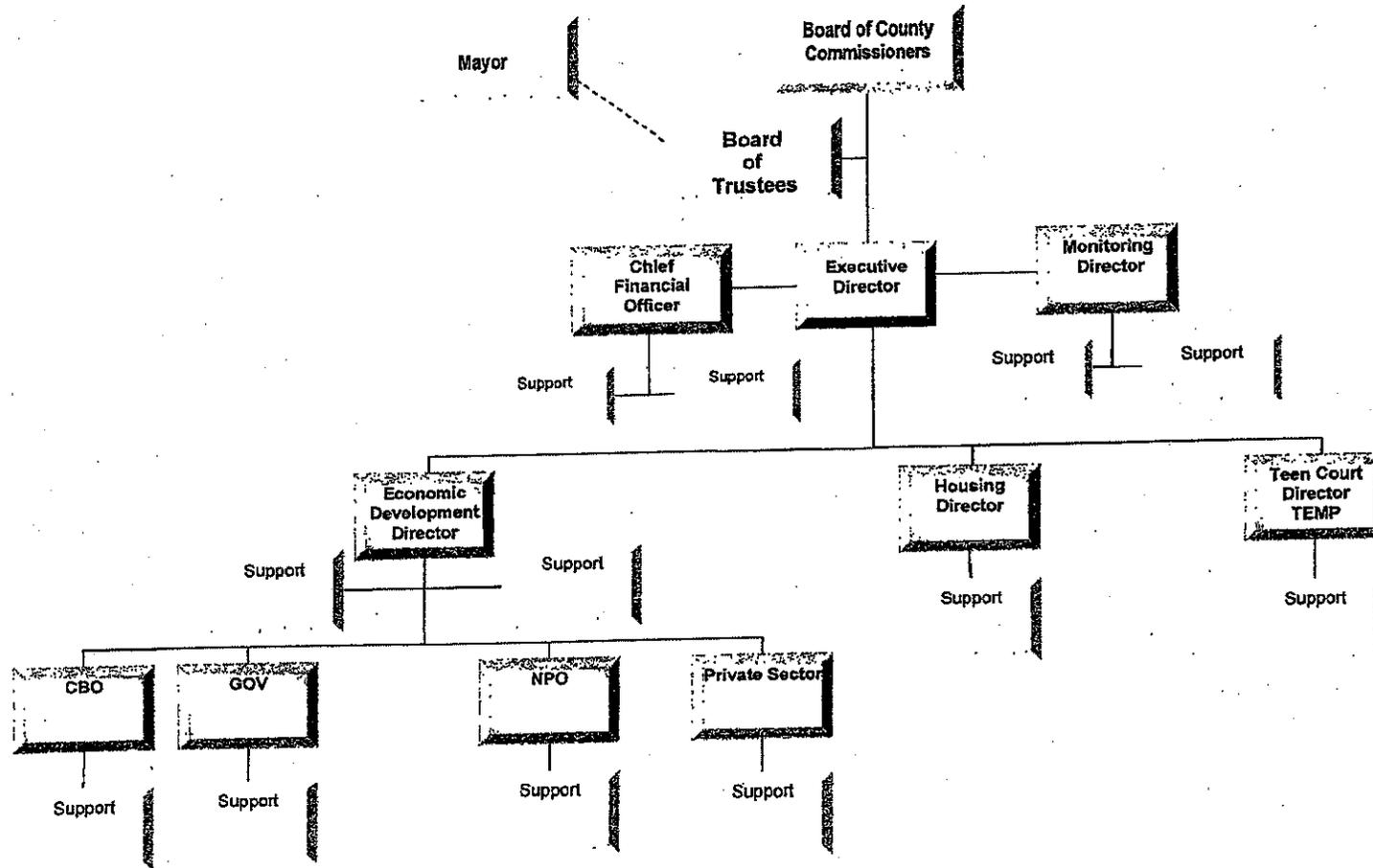
Attached please Attachment A and B of the Final Report of the Metro-Miami Action Plan Oversight Review Board that were inadvertently left out of agenda item 12B1.

Attachments

  
FOR

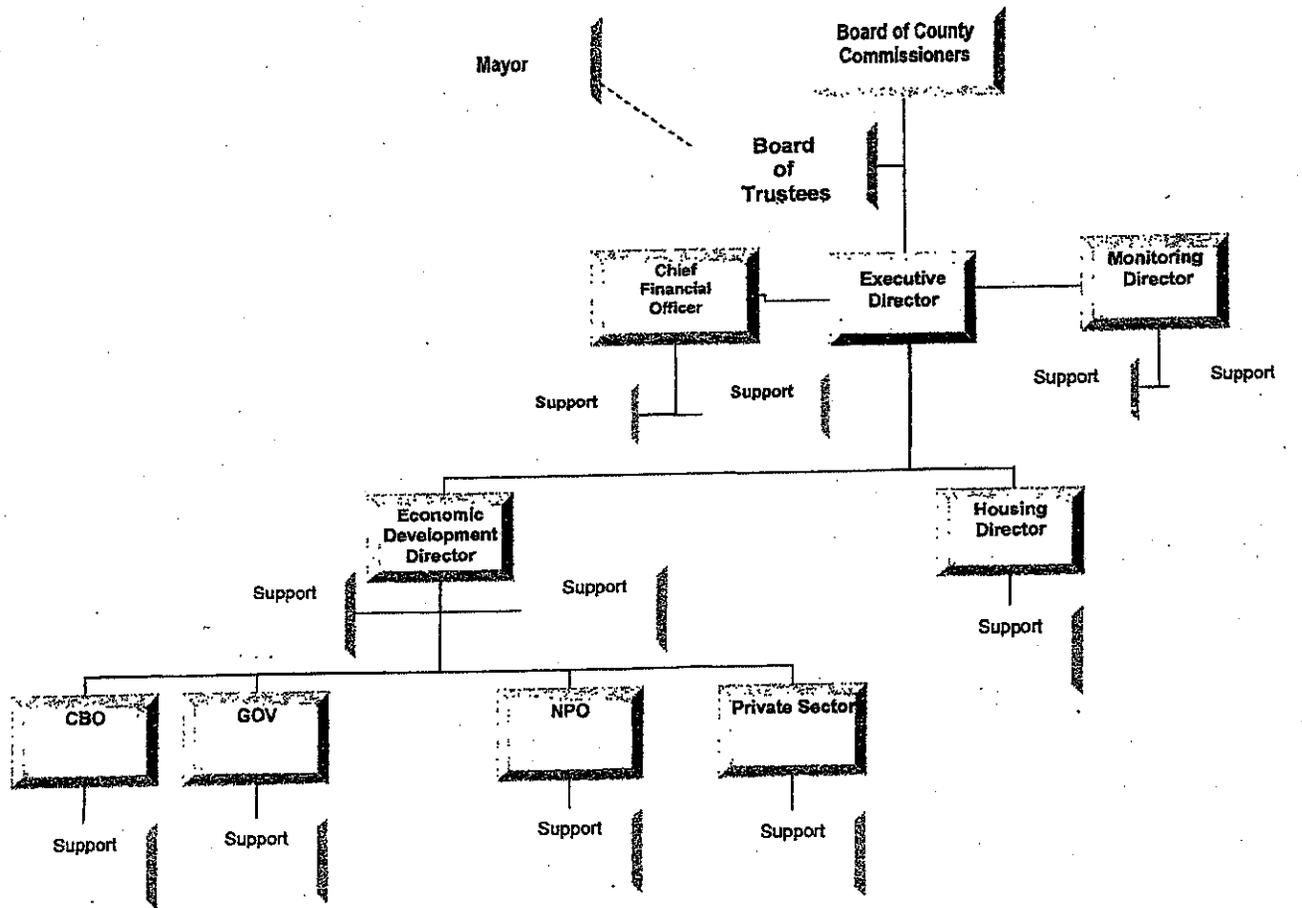
Cynthia W. Curry  
Senior Advisor to the County Manager

# Proposed Organizational Structure



Attachment A

# Proposed Organizational Structure



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## FY 2009 - 10 Proposed Resource Allocation and Multi-Year Capital Plan

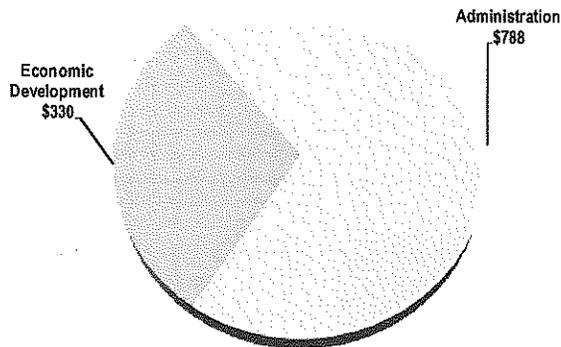
### Metro-Miami Action Plan

The Metro-Miami Action Plan (MMAP) Trust addresses and advocates for the health, economic welfare, and social needs of, primarily, Miami-Dade County's African-American community. MMAP encourages and facilitates the coordination of programs providing assistance to the African-American community and serves as a catalyst for the elimination of disparities within the community at large.

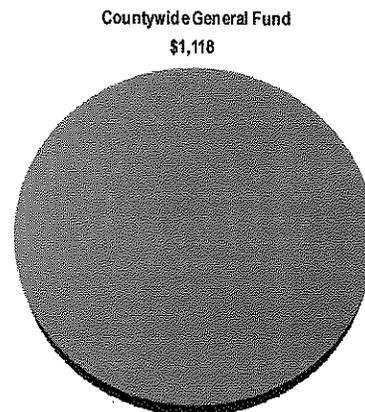
As part of the Economic Development Strategic Area, MMAP exists to advocate for systemic change, serve as the conscience of the community, and present a yardstick to measure change.

### FY 2009-10 Proposed Budget

**Expenditures by Activity**  
(dollars in thousands)



**Revenues by Source**  
(dollars in thousands)



## FY 2009 - 10 Proposed Resource Allocation and Multi-Year Capital Plan

### TABLE OF ORGANIZATION

<b>OFFICE OF THE PRESIDENT / CHIEF EXECUTIVE OFFICER</b>			
<ul style="list-style-type: none"> <li>• Concentrates in program administration, special initiatives and advocacy, uses a holistic approach in addressing disparities that exist for Black residents in the areas of housing, economic development, criminal justice, and education</li> </ul>			
<u>FY 08-09</u> 4		<u>FY 09-10</u> 3	
<b>ADMINISTRATION</b>		<b>ECONOMIC DEVELOPMENT</b>	
<ul style="list-style-type: none"> <li>• Develops the Department's operating and capital budgets; administers grant funds; performs procurement, personnel, account receivable and payable functions</li> </ul>		<ul style="list-style-type: none"> <li>• Promotes economic development in the Black community for business expansion, job creation, and business relocations through advertising, promoting activities and other sales and marketing techniques</li> </ul>	
<u>FY 08-09</u> 3	<u>FY 09-10</u> 2	<u>FY 08-09</u> 1	<u>FY 09-10</u> 1
<b>TEEN COURT</b>		<b>HOUSING ASSISTANCE PROGRAM</b>	
<ul style="list-style-type: none"> <li>• Provides an alternative sanctioning program for first-time misdemeanor juvenile offenders</li> </ul>		<ul style="list-style-type: none"> <li>• Provides technical and financial assistance to provide homeownership opportunities to low- to moderate-income families</li> </ul>	
<u>FY 08-09</u> 14	<u>FY 09-10</u> 0	<u>FY 08-09</u> 4	<u>FY 09-10</u> 0

## FY 2009 - 10 Proposed Resource Allocation and Multi-Year Capital Plan

### FINANCIAL SUMMARY

(dollars in thousands)	Actual FY 07-08	Budget FY 08-09	Proposed FY 09-10
<b>Revenue Summary</b>			
General Fund Countywide	902	997	1,118
Interest Earnings	105	60	0
Miami-Dade Public Schools	318	0	0
Carryover	1,715	1,596	0
Documentary Stamp Surtax	1,825	1,913	0
Surtax Loan Payback	0	250	0
Teen Court Fees	1,331	1,200	0
Total Revenues	6,196	6,016	1,118
<b>Operating Expenditures Summary</b>			
Salary	1,368	1,755	493
Fringe Benefits	429	564	148
Other Operating	1,634	3,831	477
Capital	0	19	0
Total Operating Expenditures	3,431	6,169	1,118

(dollars in thousands) Expenditure By Program	Total Funding		Total Positions	
	Budget FY 08-09	Proposed FY 09-10	Budget FY 08-09	Proposed FY 09-10
<b>Strategic Area: Health and Human Services</b>				
Teen Court	2,334	0	14	0
<b>Strategic Area: Economic Development</b>				
Administration	820	788	7	5
Affordable Housing Assistance	2,685	0	4	0
Economic Development	330	330	1	1
Total Operating Expenditures	6,169	1,118	26	6

### SELECTED ITEM HIGHLIGHTS AND DETAILS

Line Item Highlights	(dollars in thousands)				
	Actual	Actual	Budget	Projection	Proposed
	FY 06-07	FY 07-08	FY 08-09	FY 08-09	FY 09-10
Consultants	747	725	58	58	30
Rent	273	266	205	171	128
Travel	10	13	10	7	7

## FY 2009 - 10 Proposed Resource Allocation and Multi-Year Capital Plan

<b>DIVISION: ECONOMIC DEVELOPMENT</b>
<p>The Economic Development Division helps reduce the socio-economic disparity of Miami-Dade County's African-American community by advocating and coordinating initiatives and programs for the benefit of the community-at-large.</p> <ul style="list-style-type: none"> <li>• Provides community forums to receive public input for economic development in underserved communities</li> </ul>

<b>Strategic Plan Outcome - Measures</b>								
<ul style="list-style-type: none"> <li>• ED1-1: Increased number of businesses and employment opportunities in higher-paying, targeted industries (priority outcome)</li> </ul>								
Objectives	Measures			FY 07-08		FY 08-09		FY 09-10
				Target	Actual	Target	Projection	Target
Increase the number of successful small businesses in targeted areas	Community Economic Development Forums sponsored	OP	↔	4	3	4	2	3

### **BUDGET ENHANCEMENTS OR REDUCTIONS AND ADDITIONAL COMMENTS**

- The FY 2009-10 Proposed Resource Allocation Plan includes additional General Fund support to offset the elimination of Teen Court revenues for the administrative staff
- In November 2008, the Board of County Commissioners created the MMAP Trust Oversight Review Board to, among other things, explore various options related to the oversight and management of MMAP; the Oversight Review Board presented its recommendations to the BCC on June 30, 2009; the Board recommended, that the Trust be restructured as an advocacy and monitoring entity, focusing on economic development with workforce; and that the Trust be given no more than three years to transition the Teen Court Program to another provider
- *Due to the economic downturn, the FY 2009-10 Proposed Resource Allocation Plan includes the reduction of General Fund support of \$150,000 including the elimination of an Accountant and Assistant to the Director positions in Administration; additionally, the budget reflects the transfer of the Affordable Housing Division to the Department of Housing and Community Development (3 positions) and the Teen Court Program to the Juvenile Services Department (14 positions); a Special Projects Administrator position has been eliminated due to reduced Documentary Stamp Surtax funding*