



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Supplemental Legislative Analysis

Board of County Commissioners

April 6, 2010
9:30 AM
Commission Chamber

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Board of County Commissioners
Meeting Agenda**

Supplemental Legislative Analysis

April 6, 2010

Items

4A
4C
4F
7B
8O1B
8O1C
8O1D and Supp.
8R1A
11A4
11A5
11A13

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Esq., Chief Legislative Analyst, at (305) 375-5469.

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Elizabeth Owens, Legislative Analyst

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Items: 4(A), 4(C), and 4(F)

File Number: 100640, 100664, and 100678

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: April 1, 2010

Type of Item: Public Health Trust

Sponsors: Commissioner Carlos A. Gimenez – Item No. 4(A)
Commissioner Barbara J. Jordan – Item No. 4(C)
Commissioner Natacha Seijas – Item No. 4(F)

Co-Sponsor: Commissioner Rebeca Sosa – Item No. 4(A)

Summary

These ordinances amend Chapter 25A, Public Health Trust (PHT), of the Code of Miami-Dade County (Code), detailing actions to be taken if specified conditions pertaining to the financial status of the PHT have occurred or will likely occur.

Item No. 4A authorizes the County Commission to take action, including the formation of a financial oversight board with specified power to act as the governing body of the PHT for up to 24 months unless shortened or lengthened by resolution of the County Commission.

Item No. 4C authorizes the County Commission to take action, including assignment of technical experts and formation of an oversight board with specified powers to oversee the PHT for up to 24 months unless shortened or lengthened by resolution of the County Commission.

Item No. 4F authorizes the Mayor to take action, including formation of a transition board with specified power to act as the governing body of the PHT for up to 2 years unless shortened or lengthened by resolution of the County Commission.

All three items waive the procedures for creation and review of County boards of Article 1B of the Code for any oversight board established under authority of this ordinance.

Background and Relevant Legislation

On March 18, 2010, the Board of County Commissioners (BCC) adopted Resolution No. 323-10, placing the PHT on management watch.

Policy Change and Implication

The following is a breakdown comparison of the similarities and differences between the three (3) proposed ordinances and how each ordinance treats specific areas indicated below:

Governing Board for Two Years (unless modified by the BCC)

All three ordinances establish an additional board to function as either the governing board or as an advisory board to the PHT for two years.

- **Item Nos. 4A and 4F** are similar in that both establish a governing board for the PHT.
 - Under **Item No. 4A**, the Financial Oversight Board is comprised of 7 voting members.
 - Under **Item No. 4F**, the Transition Board is comprised of 9 voting members.
- **Item No. 4C** establishes an Oversight Board comprised of 7 voting members to advise the PHT.

Events Triggering Option to Change PHT Governance

All three proposals provide the same list of five (5) emergency financial conditions. If one or more of the financial conditions exist, the PHT must submit written notice to the Mayor, BCC, and the Commission Auditor. This triggers the potential for oversight by local governmental entities (Chapter 218 Fla. Stats).

- In addition, **Item No. 4C** adds a 6th triggering event, the advancement of County funds to the PHT to support operational needs and expenses.
- **Item No. 4A** specifies that upon receipt of such written notice, the Chairperson of the BCC will place the item on the agenda at the next regularly scheduled BCC meeting, or a special meeting may be called to address the item.

Currently Sitting Board of Trustee Members

All three proposals treat the currently sitting Board of Trustee members differently.

- **Item No. 4A** allows the currently sitting Board of Trustee members to serve as an advisory committee to the Financial Oversight Board, suspending the Trust role as the governing body of the PHT. Upon expiration of the Financial Oversight Board's term, the Board of Trustees will resume governance powers of the Trust and designated facilities.
- **Item No. 4C** allows the currently sitting Board of Trustee members to continue to act as the governing board of the PHT. The following exceptions are powers temporarily transferred to the Oversight Board during its tenure (Note, these powers are returned to the Board of Trustees once the Oversight Board's term expires):
 - Power to veto any resolution of the PHT;
 - Authority to remove and appoint the CEO of the PHT; and
 - Responsible to create a baseline budget and financial sustainability exit plan for the trust.
- **Item No. 4F** dissolves the Board of Trustee; however, at least three (3) of the initial members of the Transition Board will be current members of the Board of Trustee. Within 120 days prior to the end

of the Transition Board's tenure, the PHT nominating council as specified in 25A of the Code will convene to select voting members of the PHT.

Change Agent and Implementation of Assertive Measures

Items Nos. 4A and 4C identify the County Commission as the agent to determine whether to change the PHT governance after receipt of written notice that a triggering event has occurred. **Item No. 4F** assigns the Mayor to implement measures to assist the Trust after receipt of written notice that a triggering event has occurred. The Mayor nominates each member of the Transition Board, and the BCC accepts or rejects such nominees.

The assertive measures may or may not include technical assistance, audits and/or recovery plan depending on the proposal:

- Both **Items Nos. 4A and 4F** lists technical assistance, audits, and a recovery plan as optional assistance measures.
- **Item No. 4C** requires technical assistance to support the PHT and the Oversight Board. Audits and a recovery plan are not applicable.

Appointment Process

Item Nos. 4C and 4F appoint the members similarly in that the BCC appoint members nominated by the Mayor. However, there are noted differences among the proposals in the guidelines for appointments:

- **Item No. 4C** allows the 7 members of the Oversight Board to be appointed by the BCC from a list of persons nominated by the Mayor; and
- **Item No. 4F** allows each of the 9 members of the Transition Board is nominated by the Mayor and the BCC accepts or rejects those nominations. The nominations are made up of the following:
 - 3 current members of the Board of Trustees; and
 - 1 or more may be County Commissioners.
- **Item No. 4A** provides for the 7 members for the Financial Oversight Board to be appointed in the following manner:
 - 4 appointed by BCC resolution from a list of persons nominated by each commissioner;
 - 1 appointed by the Mayor;
 - 1 appointed by the Chair of the Dade Delegation; and
 - 1 appointed by the Governor.

Appointment of Chairperson and Vice Chairperson

Items Nos. 4C and 4F allows the Mayor to nominate one member of the Oversight / Transition Board to serve as chairperson and another as vice-chairperson. Then the Oversight / Transition Board, by majority vote following nomination elects its chairperson and vice-chairperson.

Item No. 4A allows the Financial Oversight Board, by majority vote following nomination to elect its chairperson and vice-chairperson.

\$100,000 Bond Requirement

For **all three proposals**, prior to entering upon the duties of office, each appointee to the Oversight/Transition Board is to provide a \$100,000 bond. In addition, only **Item No. 4A** requires a \$100,000 bond for currently sitting Board of Trustee members.

Waiver of Residency Requirement

All three proposals require that the voting member be a permanent resident and duly qualified elector of Miami-Dade County.

- In **Item No. 4A** the Commission can waive the residency requirement by a 2/3rds vote of its membership;
- In **Item No. 4C**, the Commission can waive the residency requirement but it does not specify whether this is by majority vote or by 2/3rds vote; and
- In **Item No. 4F**, the Mayor can waive the residency requirement at his or her sole discretion.

Only **Item 4A** mentions that the voting member is to have experience in hospital operations, management, finance, business or other experience relevant to the Financial Oversight Board's duties and responsibilities.

Appointment of Trust CEO

For **all three proposals**, the established Transition / Oversight Board may, in its sole discretion, evaluate, compensate, appoint and remove the Trust CEO.

Vacancies

Currently, Trustees may be removed for cause by majority vote of the BCC and vacancies in voting membership are appointed by the BCC from a list of nominees submitted by the nominating council.

- Under **Item No. 4A**, members of the Financial Oversight Board may be removed for cause by majority vote of the BCC. Vacancies are filled by the appointing authority.
- Under **Item No. 4C**, the BCC may remove a member of the Oversight Board for cause and will have the power to fill any vacancy.
- Under **Item No. 4F**, the Mayor with the concurrence of the BCC may remove any member of the Transition Board for cause. Vacancies are filled by nomination of the Mayor and acceptance or rejection of the BCC.

Health Care Delivery Policies

Currently the Board of Trustees cannot enter into any contract that substantially changes health care delivery policies established by the BCC. **Item Nos. 4A and 4C** allow the Financial Oversight / Oversight Board to recommend health care policies for BCC approval relevant to short and long term financial sustainability of the Trust.

Item No. 4F allows the Transition Board to recommend health care delivery policies for BCC approval. The Transition Board may not enter into contracts that change health care delivery policies.

Contracting Authority

Item Nos. 4A and 4C utilize the current Chapter 25A guidelines, which have contractual power limitations which include limitations on excess expenditure of funds, labor contracts, changing health care delivery policies, and County and University of Miami relationship.

Item No. 4F states that the current contracting authority does not apply to the Transitional Board. Limits on contracts changing health care delivery policies and labor contracts do apply.

Personnel Policies

Items Nos. 4A and 4F, allow the created board to appoint, remove, suspend employees and agendas, fix their compensation, and adopt personnel and management policies, subject to BCC approval or disapproval. **Item No. 4A** also allows the Oversight Board to recommend labor negotiation policies.

Item No. 4C maintains the current Board of Trustees power to appoint, remove, suspend employees and agents, fix their compensation, and adopt personnel and management policies. Changes to personnel and management policies are subject to Commission approval or disapproval. However, the Oversight Board has veto power of Board of Trustees actions.

Issuance of Bonds and Ability to Borrow Money

All three proposals allow the created board to request the BCC to issue bonds. BCC approval is not required to borrow money.

Trust / UM Annual Operating Agreement (Agreement)

Both **Item Nos. 4A and 4F** state that the CEO and the Financial Oversight / Transition Board's chair negotiates the Agreement.

Item No. 4C also provides for the CEO and the Oversight Board chair but also includes the PHT chair as the three entities with the authority to negotiate the agreement. Furthermore, the Agreement has to be submitted to the Oversight Board for approval.

Reporting

Currently, there is an annual joint meeting of the Board of Trustees and BCC. Under **all three proposals**, this is eliminated; however, **all three proposals** provide different guidelines for reporting to the BCC.

- **Item No. 4A** requires the Financial Oversight Board to report to the BCC at each regularly scheduled meeting;
- **Item No. 4C** requires the Oversight Board to report to the BCC at least monthly; and
- **Item No. 4F** provides for the Transition Board to make an initial report to the BCC within six (6) months and thereafter, at least on a quarterly basis.

Reviews and Consultants

Item No. 4C states that the Oversight Board may review records, reports, assets, technological systems, accountability and billing practices, management, efficiency, productivity, and financing functions and operations of the Trust and the Designated Facilities. Furthermore, the Oversight Board is allowed to contract with private consultants as needed.

Questions / Comments

The BCC could consider the following options for adopting these ordinances:

- Address each ordinance separately, voting the proposed amendment up or down; or as an alternative,
- Review the concepts of each item. Form a consensus on how to treat the similarities and/or differences within each item in order to create one merged item for adoption.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 7(B) and 11(A)13

File Number: 100372 and 100742

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: April 2, 2010

Type of Item: Selection Committee Process

Prime Sponsors: Commissioner Rebeca Sosa - Item No. 7(B)
Commissioner Joe A. Martinez – Item No. 11(A)13

Co-Sponsor: Commissioner Sally A. Heyman – Item No. 11(A)13

Summary

The following items pertain to the County’s competitive selection committee process. Both proposals attempt to improve the County’s purchasing process by eliminating or reducing the subjective factors in the current processes.

Item No. 7(B)

This ordinance amends the County’s process for the purchase of professional architectural, engineering, landscape architectural, and land surveying and mapping (A&E) services by doing the following:

- Establish procedures for administering the selection process;
- Conform provisions to reflect charter amendments; and
- Amends §2-10.4 of the Code of Miami-Dade County (Code).

Item No. 11(A)13

This ordinance rescinds Administrative Order (AO) 3-34, Formation and Performance of Selection Committees, and approves a new implementing order to provide direction to the County Mayor or his designee regarding the formation and performance of selection committees.

At the March 9, 2010, Budget, Planning and Sustainability Committee meeting, this item was amended as follows:

- To limit the change in the selection committee process to solicitations for A&E services;
- To require that the selection committees for A&E services have no fewer than 5 members; and

- To drop the lowest and highest final score in the first tier evaluations for A&E firms.

Area of Policy Change and Implication	Proposed Ordinance Item No. 7(B)	Proposed Ordinance Item No. 11(A)13
Code	Amends §2-10.4 of the Code.	Amends §2-10.4 of the Code.
Procurement Process Applied To	Exclusively to the A&E process.	Exclusively to the A&E process.
Selection Committee	Adds the following language, “the competitive selection committee shall rank the firms in the order of their competence and qualification”, thereby letting the reader know the role and responsibility of the selection committee.	For the selection of A&E services, the selection committees will be composed of no fewer than 5 voting members.
Ranking Process	<p>Modified in order to mitigate the influence of any one individual selection committee member. The final recommended firm is determined by:</p> <p>1st – The selection committee evaluates the firms qualitatively;</p> <p>2nd - Convert the total qualitative points for each selection committee member into ordinal points; and</p> <p>3rd – Rank the firms in order of lowest total ordinal score.</p> <p>4th – At least 3 firms must be determined to be the most highly qualified.</p> <p>The firm with the lowest ordinal score and consideration of the local preference (see below) is ranked as the most qualified. This process applies the criteria of qualitative scores, ordinal scores and local preference.</p> <p><u>Current Process</u> The points and therefore the ranking are assigned based on the individual evaluator’s assessment regarding qualitative factors¹.</p>	<p>The highest and lowest final score for each firm in the first evaluation tier will be excluded from the final tabulation for each firm for such tier.</p> <p><u>Current Process</u> Tabulates all the scores of the selection committee members.</p>
Local Preference	If two firms – one local and one non-	N/A

¹ Qualitative factors include but are not limited to performance in meeting time schedules, cooperation with others, past record and experience, and ability of professional personnel.

Area of Policy Change and Implication	Proposed Ordinance Item No. 7(B)	Proposed Ordinance Item No. 11(A)13
	<p>local, are within 5% of each other's Qualitative Scores or Adjusted Low Bid for design-build solicitations, the local firm is ranked higher in the final ranking.</p> <p><u>Current Process</u> If two firms - one local and one non-local, are within 5% of each other the local firm is ranked higher in the final rank. The ranking takes only into consideration the Qualitative Scores.</p>	
Negotiation Committee	The negotiation committee that the Mayor or Mayor's designee appoints replaces the County Manager in negotiating the professional service contract.	N/A
Replaces County Manager with the County Mayor or County Mayor's designee	Applied throughout §2-10.4 of the Code.	The new IO applies throughout.
Administrative Rule/ Order	<p>Replaces administrative rule/ order with Implementing Order (IO) throughout §2-10.4 of the Code.</p> <p>The new IO will come before the Board of County Commissioners at a later date.</p>	Rescinds AO 3-34 and enacts an IO that re-establishes the provisions of AO 3-34 and adds the additional requirements.
Budgetary Impacts	\$25,000 to modify the existing A&E database. This programming fee will be applicable in fiscal year 2010-11.	N/A
Equitable Distribution Program (EDP)	EDP can be utilized by County departments for accessing professional continuous services.	N/A

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 100767
File Number: 8(O)1(B)
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: April 2, 2010
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of one (1) procurement actions.

At the March 9, 2010, Budget, Planning and Sustainability Committee meeting, competitive contract Item 1.1, Emergency Management and Homeland Security Professional Services (Prequalification), was bifurcated from the competitive contract package and amended to reflect the following:

- **The Miami-Dade Police Department (MDPD) allocation of \$50,000 is deleted;**
 - **This decreases the contract amount for the initial five-year term to \$3,750,000, reducing the cumulative value of the contract to \$11,250,000;**
- **The two (2) options to renew periods (OTRs) are to come back before the Board of County Commissioners (BCC) individually for approval; and**
- **The Transit Departments funding source is changed to Homeland Security Grant Program.**

Policy Change and Implication / Budgetary Impact

- **Two (2) Competitive Contracts:**

Item 1.1 – Emergency Management & Homeland Security Professional Services (Pre-qualification)

This contract is to supply Emergency Management and Homeland Security Professional Services to several County departments. The cumulative contract total, including the subsequent OTRs is \$11,250,000.

Questions / Comments

This is a new contract which establishes a pool of pre-qualified vendors who can provide Emergency Management / Homeland Security Professional Services under the following four groups: training, planning, mock exercises and scope of service development. Duties include, but are not limited to the following:

- Perform research necessary to develop and revise training courses and prepare the appropriate training catalogs;
- Prepare instructor materials;
- Conduct formal classroom courses, workshops, and seminars;
- Conduct exercise planning meetings; and
- Produce exercise plans, controller/evaluator manuals and participation manuals.

Currently, the Department of Emergency Management (DERM) receives grant funds and then sub-awards these funds to other agencies, allowing DERM to complete their projects. According to the Department of Procurement Management (DPM), efficiency would be enhanced if DERM were to procure the majority of services for projects and programs on behalf of all agencies while ensuring that the benefits to participants remain unchanged.

Funding Source

This contract includes a \$2.5 million funding source from two subgroups under the FEMA Homeland Security Grant Program:

- The Urban Area Strategic Metropolitan Medical Response System
 - Total Funding Available in FY 2010: \$832.5 million
 - Focuses on enhancing regional preparedness in major metropolitan areas. These funds directly support the national priority on expanding regional collaboration in the National Preparedness Guidelines and are intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response, and recovery.
- The State Homeland Security Grant Program
 - Total Funding Available in FY 2010: \$842 million
 - Provides funds to build capabilities at the state and local levels and to implement the goals and objectives included in state homeland security strategies and initiatives in their State Preparedness Report.

Additional funding includes department allocations from Aviation - \$250,000 in Proprietary Funds, and Transit - \$1 million in Homeland Security Grant funds.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$3,750,000 for 5 years with 2, five-year OTR.	\$750,000	n/a	n/a

Prepared by: Elizabeth N. Owens

MIAMI-DADE COUNTY
 BOARD OF COUNTY COMMISSIONERS
 OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 8(O)1(C)
File Number: 100831
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: April 2, 2010
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of three (3) procurement actions.

At the March 9, 2010, Budget, Planning and Sustainability Committee meeting, this item was amended. One contract, Emergency Management and Homeland Security Professional Services (Prequalification), was bifurcated from this competitive contract package and is reflected on this agenda as Agenda Item No. 8(O)1(B). The remaining contracts have been renumbered.

Policy Change and Implication / Budgetary Impact

- One (1) Competitive Contract:

Item 1.1 – Appliances, Kitchen Equipment (Gas and Electric) Repairs / Parts

This contract is to provide parts and repair services for appliances and kitchen equipment to several County departments. The cumulative contract total, including subsequent OTRs is \$5,355,000.

Questions / Comments

This contract includes a modification to the specifications which according to DPM presents an opportunity for cost reductions. However, the total allocations request for this contract is \$821,000 more than the previous allocation request (see below). *Why is there an increase in allocations if there is an expectation of cost reductions?*

<u>Department(s)</u>	<u>Previous Allocation</u>	<u>Proposed Allocation Request</u>	<u>Difference in Allocations</u>
Aviation	\$6,000	\$10,000	Increased by \$4,000
Community Action Agency	\$2,000	\$5,000	Increased by \$3,000
Corrections and Rehab.	\$177,000	\$936,000	Increased by \$759,000
DERM	\$2,000	\$5,000	Increased by \$3,000

Fire Rescue	\$17,000	\$30,000	Increased by \$13,000
GSA	\$5,000	\$5,000	No change
Public Housing Authority	\$20,000	\$40,000	Increased by \$20,000
Human Services	\$20,000	\$40,000	Increased by \$20,000
Public Works	\$1,000	\$0	Decreased by \$1,000
Total :	\$250,000	\$1,071,000	Increased by \$821,000

Item No.	Contract Term & Amount	Amount per month	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$1,071,000 for 1 year with 4, 1-year OTRs.	\$1,071,000	\$1,416,638 for 23 months	\$739,115

- **One (1) Rejected Bid**

Item 2.1 – Automatic Doors and Related Components

This item rejects all bids for a solicitation to purchase repair, maintenance, and installation services for automatic doors and related components due to a significant change in the scope of work and technical requirements.

- **One (1) Contract Modifications:**

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	<p>Janitorial Services for MDPD and GSA Facilities</p> <p><i>Reason:</i> Additional spending authority to allow MDPD and GSA to purchase janitorial services for additional sites added during the last 2 months of the initial term of the contract.</p> <p><i>In addition, this item exercises the 3rd OTR period in the amount of \$420,000.</i></p>	\$326,000 for 1 year.	No change.	\$94,000	<p>There are no compliance issues reported for Best Janitorial & Supplies, Inc.</p> <p>The only performance issue noted is that on December 9, 2009, this vendor was placed on probation for noncompliance with contractual obligations. Currently, the vendor is performing in accordance with the contract requirements.</p>

Prepared by: Elizabeth N. Owens

MIAMI-DADE COUNTY
 BOARD OF COUNTY COMMISSIONERS
 OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 8(O)1(D) and Supplement
File Number: 100793 and 100792
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: April 2, 2010
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of one (1) procurement actions.

At the March 2, 2010, Board of County Commissioners (BCC) meeting, this contract was bifurcated and deferred to this date.

Policy Change and Implication / Budgetary Impact

- **One (1) Contract Modification:**

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	<p>Rental Trailers/Trucks/Vans (Pre-qualification)</p> <p><u>Reason:</u> Additional spending authority for the Elections Department to rent trucks and vans needed for election operations.</p> <p><i>However, the department's current balance for special service vehicles is \$174,634, which is less than the \$1.8 million requested in this</i></p>	\$762,000 for 5 years.	No change.	\$1,800,000	There are no compliance / performance issues reported for Tropical Trailer Leasing LLC, Budget Truck Rental LLC, Ryder Truck Rental Inc., and Enterprise Leasing Co.

<p>modification.</p> <p><u>*See below for modification history of this contract.</u></p>				
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Item 3.1 - Rental Trailers / Trucks / Vans (Pre-qualification)

This contract has been modified three times.

MODIFICATION HISTORY				
<u>DPM Approved Amount</u>	<u>BCC Approved Amount</u>	<u>Approved Date</u>	<u>BCC Item No.</u>	<u>Reso. No.</u>
\$25,000	\$0.00	02/21/2008	n/a	n/a
\$175,000	\$0.00	03/04/2009	n/a	n/a
\$65,000	\$0.00	07/23/2009	n/a	n/a
\$265,000	\$0.00			

Supplement

This supplement address the information requested at the March 2, 2010, BCC meeting as to whether the County is paying a competitive rate for rental trucks. According to the County Manager’s memo based on the analysis conducted by Administration, the average daily truck rental rate of \$95.24 is competitive.

Prepared by: Elizabeth N. Owens

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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Legislative Notes

Agenda Item: 8(R)1(A)
File Number: 100429
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: March 31, 2010
Type of Item: Resolution
District: 1

Summary

This resolution authorizes the execution of an interlocal agreement between Miami-Dade County and the City of Miami Gardens (City) to provide water efficient fixtures to low income senior homeowners. This program is part of Miami-Dade County's Water Use Efficiency Plan (Plan) adopted by the Board of County Commissioners in 2006. **The project in this agreement is exclusively for senior citizens in the City of Miami Gardens that qualify for the additional Homestead Senior Exemption, and whose homes were built prior to 1994.**

The Water Use Efficiency Pan has yielded the following countywide results from 2006-2009:

District	Customers	HET Retrofits
1	217	328
2	191	267
3	195	274
4	94	153
5	82	131
6	142	201
7	103	146
8	70	106
9	161	234
10	166	251
11	132	213
12	105	173
13	131	199
Total	1,789	2,676

Source: Water and Sewer Department

HET= High Efficiency Toilet

Prepared by: Michael Amador-Gil

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11(A)4 and 11(A)5
File Number: 100499 and 100501
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: April 2, 2010
Type of Item: Collaboration of Fire Department Duties
Prime Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsor: Commissioner Sally A. Heyman – Item No. 11(A)5

Summary

Item No. 11(A)4 directs the Mayor or his designee to contact the Cities of Hialeah and Miami in order to find ways for the Miami-Dade County Fire Department's (MDFR) Hazardous Materials Unit and the Fire Department of those cities to work cooperatively in an effort to save money, be more productive in the use of available resources and to enhance response to hazardous materials incidents in all of Miami-Dade County.

Item No. 11(A)5 directs the Mayor or his designee to work together with the City of Miami in the use of the County's and the City's fireboats in an effort to save money, be more productive in the use of available resources and to enhance response to marine incidents in all of Miami-Dade County.

Background and Relevant Legislation

Fire rescue services are delivered to Miami-Dade County residents and visitors by MDFR, which serve the unincorporated areas of the County and 30 of the 35 municipalities. In addition, five municipalities operate fire rescue departments: City of Coral Gables, City of Hialeah, Village of Key Biscayne, City of Miami Beach, and City of Miami. Each fire rescue department responds primarily within its corresponding service territory, except for limited agreements for automatic aid and mutual aid.¹

¹ County Manager Memo dated August 26, 2008.

Miami-Dade County Hazardous Materials Bureau²

The Hazardous Materials Bureau provides administrative and operational support through hazardous materials response training, community planning, and resource management. The team consists of a Hazmat Battalion Chief, a Hazmat Specialty Unit, four Hazmat Suppressions, and a Hazmat Medical Unit.

The Hazardous Materials Bureau also facilitates the administrative aspects of community planning for operations personnel. This process ensures that the reporting guidelines are recorded and available for response planning purposes. These plans assist Incident Commanders by understanding the occupancy hazards present during routine response and provide pre-planned solutions during an emergency.

The Hazardous Materials Bureau coordinates mitigation resource management so that there is comprehensive equipment maintenance and a replacement program in place. This administrative oversight ensures efficient equipment allocation and distribution to operations personnel.

Furthermore, the Hazardous Materials Bureau will continue to actively participate in the Regional Domestic Terrorism Task Force and respond as a state asset.

City of Miami Hazardous Materials Team³

The City of Miami's Hazardous Materials Team was started around 1978. It was the first in Miami-Dade County. The Team started as the Special Tactics Team that was analogous to a Police SWAT team. As the team evolved, the fire service became increasingly involved with chemicals and hazardous materials and was renamed the Hazardous Materials Team.

The Hazardous Materials Team specializes in the mitigation of incidents involving hazardous materials or suspected unknown hazardous materials. The team responds to all suspicious material calls, as well as spills, leaks, and breaches of vessels containing potentially dangerous chemicals or unknown substances.

Following the September 11th attacks, the Hazardous Materials Team has become vital in the community. The team has been intensely involved in the preparation for responses to incidents involving weapons of mass destruction (WMD).

City of Hialeah Hazardous Materials

The Hialeah Fire Department had its beginnings when the City of Hialeah was incorporated in 1925. It has since grown to its present size and stature as an ISO rated Class 1 Fire Department, serving a residential population of over 236,000.

Service to the City is provided by approximately 250 personnel who deliver fire protection, emergency medical service, water rescue, hazardous materials response and inspection services in the Southeast. In addition, they have volunteer who support the community.

² Information provided by MDR Hazmat Bureau.

³ http://www.miamigov.com/Fire/pages/Divisions/ERD_Special_OPS.asp

Miami-Dade County Marine Services⁴

MDFR's Marine Services maintains a 24-hour response capability for incidents occurring on Miami-Dade beaches and shorelines, as well as those occurring in our numerous bodies of water, including the ocean, bays, lakes, canals and other waterways.

Although Miami-Dade County has two (2) fireboats, only one is in commission. Fire Boat #2 was originally budgeted and scheduled to be placed in service during the fourth quarter of fiscal year 08-09. The service was cancelled due to budget reductions that were projected for the current fiscal year. The boat is currently unstaffed at the Port of Miami and is used as a backup Fireboat when the 50 foot fireboat is in need of repair, training and an additional Fireboat during large events such as Columbus Day.⁵

Water-related emergencies are handled through three specialized areas of marine services:

- Marine Operations
 - Fire rescue personnel in this bureau are trained and ready to respond to any emergency requiring accessibility via watercraft capable of handling both fire and medical rescue incidents. This area is home to MDFR's fireboat fleet.
- Dive Rescue
 - This area is responsible for the training and certification of the department's Rescue SCUBA Divers and Skin Divers, and maintains all dive rescue equipment and supplies found on every MDFR frontline unit.
- Ocean Rescue
 - This area of MDFR's marine services provides lifesaving emergency response on Miami-Dade County's public beaches with professional lifeguards.

COMPARISON OF JURISDICTIONS			
FY 2009-10			
	Miami-Dade County	City of Miami⁶	City of Hialeah
Hazardous Material	<ul style="list-style-type: none">• \$3.2 million• <u>5 Staff Positions:</u> 1 Captain and 4 Lieutenants.	<ul style="list-style-type: none">• Cost not available at the time of printing this analysis.• <u>45 Staff Positions:</u> 1 Chief Fire Officer, 1 Captain, 3 Lieutenants, and 10 Firefighters per shift.	<ul style="list-style-type: none">• \$2.5 million (apparatus cost is not included)• <u>31 Staff Positions</u>
Marine Operations	<ul style="list-style-type: none">• \$1.9 million	<ul style="list-style-type: none">• Cost not available at the time of	N/A

⁴ http://www.miamidade.gov/mdfr/emergency_special_marine.asp

⁵ Information provided by MDFR Marine Services.

⁶ The Dive and Haz Mat teams also function as firefighting teams. They supplement their basic firefighting function and responsibilities by also responding to Dive and Haz Mat emergencies.

	<ul style="list-style-type: none"> • <u>4 Staff Positions:</u> 1 Captain, 1 Lieutenant, 1 Firefighter, and 1 Marine Mechanic. • 2 Fireboats⁷ 	<p>printing this analysis.</p> <ul style="list-style-type: none"> • <u>51 Staff Positions:</u> 3 minimum on Fire Boat per shift, 14 personnel at Station 5 (Dive Team)⁸ - 1 Captain, 3 Lieutenants, and 10 Firefighters per shift. • 1 Fireboat 	
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Comments

Possible Areas of Savings

- Construction and facilities maintenance cost due to the current separate marine service assets; and
- Training for Hazmat members;
- Sharing of vehicle fuel and maintenance costs; and
- Consolidation of property taxes.

Possible Areas of Concern

- Satisfaction level of residents who feel that their needs are better met by their individual city's service providers; and
- Equity if the tax rates are not uniformed – therefore, residents paying higher property taxes will be paying more for their service.

In 2008, the following ballot question was put before the electorate of Miami-Dade County:

To amend the Home Rule Charter and to require that the BCC provide a uniform, countywide system of fire protection and rescue services for all incorporated and unincorporated areas of the County with the exception of the cities of Miami, Miami Beach, Hialeah, Coral Gables, and Key Biscayne which may provide for their own fire and rescue protection services.

⁷ Although Miami-Dade County has 2 fireboats, only one is in commission. Fire Boat #2 was originally budgeted and scheduled to be placed in service during the fourth quarter of fiscal year 08-09. The service was cancelled due to budget reductions that were projected for the current fiscal year. The boat is currently unstaffed at the Port of Miami and is used as a backup Fireboat when the 50 foot fireboat is in need of repair, training and an additional Fireboat during large events such as Columbus Day.

⁸ The City of Miami, Station 5 (Dive Team), has 5 other marine vehicles as part of station 5; therefore, with the 1 fireboat, the City of Miami has a total number of 6 marine vessels.

According to the County Attorney's Office, the County was enjoined by Court Order from tabulating, releasing, or certifying the election results because the Court found the ballot language misleading.

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