



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Government Operations
Committee

April 13, 2010

9:30 A.M.

Commission Chamber

Charles Anderson, CPA
Commission Auditor
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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Legislative Notes
Government Operations Committee
Meeting Agenda**

April 13, 2010

Written analyses and notes for the below listed items are attached for your consideration:

Item Number(s)

2C, 2E, 2I & 2L
2K
3F

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

Acknowledgements--Analyses prepared by:
Michael Amador-Gil, Senior Legislative Analyst

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



Legislative Notes

Agenda Items: 2C, 2E, 2I & 2L

File Numbers: 100747, 100796, 100721 & 100822

Committee(s) of Reference: Government Operations Committee

Date of Analysis: April 9, 2010

Type of Item: Resolution

District: Countywide

Sponsors: Commissioner Bruno A. Barreiro (2C); Commissioner Carlos A. Gimenez (2E); and Commissioner Barbara J. Jordan

Summary

Resolutions 2C, 2E, 2I & 2L propose ballot questions in conjunction with the primary election of August 24, 2010 to amend the Home Rule Charter.

Home Rule Charter Amendments

GO Items	2(C)	2(E)	2(I)	2(L)
Sponsor	Barreiro	Gimenez	Jordan	Jordan
Outside Employment	No	n/a	n/a	n/a
Salary	\$92,097	n/a	\$75,000	n/a
Terms	Effective with the term of Commissioners scheduled to commence in 2010 and 2012, no person will be elected as Commissioner for more than Four (4) consecutive four-year terms.	Effective with the term of Commissioners scheduled to commence in 2012 and 2014, no person will be elected as Commissioner for more than Two (2) consecutive four-year terms.	Effective with the term of Commissioners scheduled to commence in 2012 and 2014, no person will be elected as Commissioner for more than Three (3) consecutive four-year terms.	n/a
Other	n/a	n/a	n/a	Transfer the powers and responsibilities of administering county government from the elected Mayor to the appointed County Manager including to appoint department directors subject to commission approval.

				<p>The Board of County Commissioners (BCC) will direct, supervise, reprimand or remove department directors.</p> <p>The BCC will have the right to remove the County Manager or approve the Mayor's removal of the County Manager.¹</p>
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Background and Relevant Information

On April 24, 2007, through Resolution 462-07, amended by Resolution 1131-07, Miami-Dade County's Charter Review Task Force (Task Force) was created in order to review the County's Home Rule Charter and submit recommendations to the BCC setting forth any proposed amendments to the Charter.

According to the final report dated January 29, 2008, by the Task Force members, the BCC's compensation and term limits was deliberated, including a comparison of salaries and other benefits, length of term and term limitations, and limitations on outside employment for elected commissioners for Florida counties and selected national counties.

The Task Force considered and debated the following issues:

- A strong sentiment that the current structure under-compensates the members of the BCC for what is essentially a full-time job;
- A desire to eliminate the perception of conflicts of interest created by the need for outside employment;
- An awareness that previous attempts at the ballot to raise BCC salaries have failed;
- A belief that public support for a salary increase may require linkages to other issues, i.e. term limits and ethics regulations; and
- The advantages and disadvantages of term limits.

The Task Force concluded the following: (1) Commissioners should receive a population-based salary provided by Florida's statutory formula (approximately \$91,995); (2) Commissioners' terms in office should be limited to two (2), four-year terms; and (3) Commissioners should be prohibited from having outside employment. The restriction on outside employment is consistent with the desire to acknowledge the full-time demands of the Office of County Commissioners and to address public perception regarding the effect of outside employment on decisions made by the BCC, notwithstanding conflict of interest.

On July 18, 2008, the BCC held a special meeting to discuss twenty-two sponsored items pertaining to commissioner's salaries and service of County Commissioners. During the course of the special meeting, a number of Commissioners expressed their desire that the ballot question include no term limits and Commissioners has to devote full-time service to the office and hold no other employment. Commissioners also agreed to receive a salary provided by State statutory formula (approximately \$91, 995), adjusted annually by the County's population.

The election was held on November 4, 2008. (See election results below)

¹ The BCC desires that the proposed amendments will only become effective with the commencement of the term of the next Mayor elected scheduled for 2012.

Recommendations from Previous Task Forces

Date	Recommendations
June, 2001	The Task Force recommended that the provisions for Commission salaries be removed from the Charter and that Commission salaries be determined pursuant to State law.
January, 1990	The Task Force at that time proposed that the composition of the Commission contain single member district commissioners and a minority of at-large commissioners. District Commissioners would have received a salary in the amount provided by State law for state legislators; and at-large Commissioners would have received a salary which was 10 percent greater than District Commissioners.
May, 1989	Each Commissioner will receive a salary in the amount provided for non-charter County Commissions by Florida law and be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Commission.

Charter Amendment History and Results from 1961 through 2008

DATE	CHARTER AMENDMENT	RESULTS
10/17/61 Special Charter Amendment Election	Shall the Home Rule Charter of Government for Dade County, Florida be amended by adoption of an amended Charter, which limits and redefines the powers of the County Commission, reduces the number of County Commissioners to five, fixes Commissioner's salaries at \$15,000 per annum, provides such revised Charter shall become effective immediately upon adoption, prescribes method by which such revised Charter may be abolished and contains other provisions as set forth in the initiatory petitions on file with Clerk of the County Commission.	For: 97,170 48% Against: <u>105,097</u> 52% Total: 202,267
11/05/63 Special Constitutional Charter and Bond Election	Amendment to Section 1.06 of The Home Rule Charter to provide a salary of \$15,000 for the Mayor and a salary of \$10,000 for other County Commissioners.	For: 47,010 38% Against: <u>76,645</u> 62% Total: 123,655
11/07/67 Special Charter Amendment Election	Whether Section 1.06 of the Home Rule Charter shall be amended to provide that after June 10, 1968, each member of the Board of County Commissioners shall receive, in addition to the \$6,000 annual salary, \$50 for each day's attendance at official board meetings, such per diem payments not to exceed \$9,000 annually for each member of the Commission?	For: 17,034 36% Against: <u>46,248</u> 64% Total: 63,282

<u>DATE</u>	<u>CHARTER AMENDMENT</u>	<u>RESULTS</u>
03/14/72 Presidential Preference Primary	A Full Time Strong Mayor with a minimum salary of \$40,000, a Full Time Vice-Mayor with a salary of \$12,000, a Chairman of the Board of County Commissioners with a salary of \$14,000 and Commissioners with a Salary of \$10,000.	For: 66,998 32% Against: <u>144,274</u> 68% Total: 211,272

03/09/76 Presidential Preference Primary	Shall the Charter be amended to provide annual salaries for the Mayor and County Commissioners, in accordance with State Law instead of \$6,000 per year?	For: 43,706 17% Against: <u>206,693</u> 83% Total: 250,399
03/11/80 Presidential Preference Primary	Shall Section 1.06 of the Home Rule Charter be amended to provide that the Mayor and County Commissioners receive a salary of \$12,000 per year instead of the current \$6,000 per year?	For: 68,029 38% Against: <u>113,171</u> 62% Total: 181,200
05/08/90 Special Election	Shall the Charter be revised to – Increase Commission salaries to statutory amount for non-charter county commissioners (currently approximately \$51,600)?	For: 22,867 22% Against: <u>82,214</u> 78% Total: 105,081
09/10/02 Primary Election	Shall the Charter be amended so that county commissioners no longer receive the \$6,000 annual salary established in 1957, and they commence receiving as of the effective date of this amendment, the salary provided by a state formula based on population used by other Florida counties, including Broward County (currently approximately \$80,500)?	For: 121,997 45% Against: <u>147,891</u> 55% Total: 269,888

DATE	CHARTER AMENDMENT	RESULTS
<p>08/31/04</p> <p>Primary Election</p>	<p>Miami-Dade Home Rule Charter Amendments Relating to Salaries and Terms of County Commissioners.</p> <ul style="list-style-type: none"> - In an effort to encourage more persons who are dedicated to good government to run for office, shall County Commissioners no longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by a State statutory formula based on population used by other Florida counties, including Broward County (currently approximately \$84,213), and - Commencing with the election of County Commissioners in 2006, shall Commissioners be limited to four consecutive four-year terms? 	<p>For: 125,634 49%</p> <p>Against: <u>131,162</u> 51%</p> <p>Total: 256,796</p>
<p>09/05/06</p> <p>Primary Election</p>	<p>Miami-Dade Home Rule Charter Amendment Relating to Salary of County Commissioners</p> <p>Shall the Charter be amended to provide that County Commissioners no longer receive the \$6,000 annual salary established in 1957, but shall receive instead the population based salary provided by State statutory formula (currently approximately \$88,919) and used by other Florida counties, including Broward County?</p>	<p>For: 65,150 42%</p> <p>Against: <u>90,424</u> 58%</p> <p>Total: 155,574</p>

<u>DATE</u>	<u>CHARTER AMENDMENT</u>	<u>RESULTS</u>
<p>11/04/08</p> <p>General Election</p>	<p>Home Rule Charter Amendment Relating to Salaries and Service of County Commissioners</p> <p>Shall the Charter be amended to provide that county Commissioners shall:</p> <ul style="list-style-type: none"> • Devote full-time service to the office of Commissioner and hold no other employment; and • No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$91, 995), used by other Florida counties, including Broward County? 	<p>For: 336,273 48%</p> <p>Against: <u>357,515</u> 52%</p> <p>Total: 693,788</p>

Source: Miami-Dade County Elections Department

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 2(K)
File Number: 100797
**Committee(s)
of Reference:** Government Operations Committee
Date of Analysis: April 8, 2010
Type of Item: Resolution
Sponsor: Commissioner Barbara J. Jordan

Summary

This resolution provides for the following: (1) declares surplus county-owned land located at 3090 N.W. 135 Street; (2) conveys the property at no cost to the North Miami Beach Medical Center (NMBMC) by a County Deed which will require the construction of a community clinic within 5 years; and provides restrictions for the use and re-conveyance of the property to ensure compliance with the intent of the Board of County Commissioners.

Relevant Information

North Miami Beach Medical Center is a 501(C) 3, Florida not-for-profit corporation. The NMBMC provides free medical services to low income families, adults and children, in North Miami Beach, Opa - Locka and the surrounding communities. The Center has a 32-foot-long 'Mercy Mobile' Medical Clinic for the purpose of going out into the inner city and other low income areas to serve the residents, many of whom do not have transportation to bring them to their facility.

They also provide on-location Medical Relief to victims of natural and man-made disasters.

Services provided at no cost to patients are:

1. Primary Care Internal Medicine and Geriatrics.
2. Pediatrics, including free immunizations and school physical exams.
3. Disaster Relief Medical Services.
4. Gynecology.
5. Preventive Medicine including nutrition and exercise teaching, and faith-based lifestyle adaptations.
6. Medical Education: Medical Students and Residents receive their Primary Care clinical training at North Miami Beach Medical Center.

Legislative History

On November 2, 2004, Miami-Dade County voters approved \$2.9 billion in Building Better Communities General Obligation Bond Program proceeds intended to finance countywide government improvement projects. Ballot Question No. 5, authorized up to \$171,281,000 in funding for projects “to construct and improve emergency healthcare facilities at Jackson Memorial Hospital (JMH) to promote accessibility to quality healthcare services, pursuant to Resolution 916-04, **adopted on July 20, 2004.**

During the course of the July 20, 2004 session, a number of commissioners expressed their desire that additional GOB funds be expended on community healthcare projects that would not be administered by JMH. Instead, it was intended that the monies would be directed to Federally Qualified Health Care Centers, and, in two instances, specific projects were identified as worthwhile candidates for the funding.¹

At the end of the session, in conjunction with several other oral amendments made with regard to other ballot questions, a vote was taken to increase funding for healthcare related projects-i.e. Ballot Question No. 5 by \$25 million. This additional funding, plus amounts for the anticipated costs to issue bonds, increased the total allotment of GOB funds for Ballot Question No. 5 from \$137 million to approximately \$171.2 million.

A new Project No. 305, named Primary Health Care Facilities was added to the GOB’s recommended list of priorities. It reads: “increase the number of health care facilities in our community.”

Although substantive language was changed in Ballot Questions 1 and 2, the only changes to the final Ballot Question No. 5 were the inclusion of the resolution number, its adoption date, and the increase funding from \$137 million to \$171.281 million.²

Questions

1. How will the NMBMC finance the construction phase?
2. How will the NMBMC sustain the future facility?
3. Has the NMBMC provided the County a business development plan?
4. Does the NMBMC qualify for existing or future GOB-BCC proceeds?

Prepared by: Michael Amador-Gil

¹ Office of inspector General Report: *Allocation of Miami-Dade County’s Building Metter Communities General Obligation Bond Funding for Primary Health Care Facilities*, dated October 10, 2008.

² *Ibid.*, 2-8

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



Legislative Notes

Agenda Item: 3(F)
File Number: 100787
**Committee(s)
of Reference:** Government Operations Committee
Date of Analysis: April 8, 2010
Type of Item: Amendment No. 1
Districts: 5 & 7

Summary

This resolution approves Amendment Number One (1) to the non-exclusive professional services agreement with AECOM Technical Services, Inc. (AECOM), formerly known as Earth Tech Consulting, Inc., is increasing the maximum **compensation** from \$4 million to \$6.5 million; and extends the contract term from six (6) years to ten years to provide additional engineering services for the design criteria to relocate a portion of the 54-inch Sanitary Sewage Force Main between Miami Beach and Fisher Island under Government Cut for the Miami-Dade Water and Sewer Department (WASD).

The additional compensation will be funded through WASD's Water Renewal and Replacement Fund, Wastewater Connection Charges and Future Revenue Bonds.

The current contract was executed in December 2008 for \$4,000,000 with a term of six (6) years.¹

Firm History Report

Below is a summary of AECOM's business history, change order history and other related findings:

Founder Richard G. Newman, and a handful of Ashland Inc. employees, created AECOM. On April 6, 1990, AECOM evolved to an independent firm formed by the merger of five Ashland entities. Since then, more than 30 companies have joined AECOM, and in 2007, AECOM became a publicly traded company on the New York Stock Exchange.

AECOM is a global provider of professional technical and management support services to a broad range of markets, including transportation, facilities, environmental, energy, water and government. A *Fortune 500* company, AECOM serves clients in more than 100 countries and had revenue of \$6.1 billion during the 12-month period ended December 31, 2009.²

¹ See Resolution 1349-08

² <http://www.aecom.com/>

Employees Worldwide: Approximately 45,000

Headquarters

555 South Flower Street, Suite 3700
Los Angeles, CA 90071-2300, USA

**AECOM's Firm History
(Excludes Architectural and Engineering Services)**

Project No.	Dept	Description	Contract Amount
RFQ DCAD-02-97-1	AV	Real Estate Property Acquisition Services	\$751,875

**Firm History
(Includes Architectural and Engineering Services)**

Project No.	Dept.	Description	Contract Amount	Change Orders
E93-WASD-01	WS	Pump Station Improvement Program	\$8 million	N/A ³
E93-WASD-01-1A	WS	Program Management	\$12 million	\$5 million
R-656-95	AV	Miscellaneous Environmental/Civil Engineering's Services	\$297,340	N/A
TA97-TPS-1	MT	Transit Agency Engineering Consultant	\$750,000	\$200,000
E96-DCAD-13	AV	MIA Central BLVD Widening and Realignment	\$3,037,500	N/A
R-69-00	WS	Professional Geochemistry Services	\$100,000	N/A
E99-WASD-01/E97-WASD-04	WS	Program Management Services for Infiltration inflow	\$2 million	N/A
E01-DERM-01	DERM	Environmental Engineering Consultants for Planning	\$1.5 million	N/A
E01-DERM-04EP	DERM	FEMA DORM Drainage Projects	\$500,000	N/A
E01-WASD-05, Project 2	WS	Program Management Services	\$1.4 million	\$2.425 million
E04-WASD-05	WS	Hydraulic Computer Modeling	\$2.750 million	N/A
E07-WASD-05(A)	WS	Construction Engineering and Inspections Services for the South District Wastewater Treatment Plant	\$6.050 million	N/A
E07-WASD-09	WS	Design criteria for the replacement of the 54-inch sanitary sewage force main from Port Island to Fisher Island	\$4 million	\$2.5 million
Total Award Amount and total Change Orders approved by the Board of County Commissioners			\$42.4 million	\$2.625 million
Total Change Order Pending			\$7.5	

³ Not applicable

**Firm History
(Includes Architectural and Engineering
Subcontracting Services)**

Project No.	Dept.	Description	Contract Amount
E04-DERM-01	DERM	Environmental Cleanup, Compliance and Related Services	\$0.00
E04-DERM-01	DERM	Environmental Cleanup, Compliance and Related Services	\$0.00
TA00-TPS-11	MT	General Engineering Services for Miscellaneous Services	\$57,635.10
E98-DERM-01	DERM	Groundwater, Surface Water and Soil Contamination Cleanup	\$55,280
E04-MDT-01	MT	North Corridor Ext, Preliminary Engineering (MIAMI INTERMODAL CENTER)	\$2.8 million
E02-WASD-03	WS	Program Management Services for Comprehensive Lateral Investigation	\$930,314.32

Information provided by the Department of Small Business Development.

Prepared by: Michael Amador-Gil