



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Government Operations
Committee

May 11, 2010

9:30 A.M.

Commission Chamber

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

**Legislative Notes
Government Operations Committee
Meeting Agenda**

May 11, 2010

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

Item Number(s)

2A, 2B, 2C, & 2D
2E
2G
3B

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: 2A, 2B, 2C, 2D & 2G

File Numbers: 100747, 100970, 100796, 100721 & 101181

Committee(s) of Reference: Government Operations Committee

Date of Analysis: May 5, 2010

Type of Item: Resolution

District: Countywide

Sponsors: Commissioner Bruno A. Barreiro 2(A); Commissioner Audrey M. Edmonson 2(B); Commissioner Carlos A. Gimenez 2(C) & 2(G); and Commissioner Barbara J. Jordan 2(D)

Summary

Resolutions 2A, 2B, 2C, 2D & 2G propose ballot questions in conjunction with the primary election of August 24, 2010, to amend the Home Rule Charter.

Legislative History

A discussion was held on April 13, 2010, during the Government Operations (GO) Committee, pertaining to the commissioners' salaries, outside restrictions on employment, and term limits. Several motions were taken by the GO Committee members. The members agreed to utilize the State of Florida's formula to set the commissioners' salaries and limit the terms of office to no more than four (4), four-year terms, with no restrictions on outside employment. Four (4) commission sponsored items pertaining to salary, term limits and outside employment were deferred at the committee meeting and an alternate recommendation was forwarded to the Board of County Commissioners (BCC).

A Special Meeting was held on Monday, May 3, 2010, and carried over to Tuesday, May 4, 2010, to discuss issues pertaining to the Public Health Trust and setting commissioners' salaries and other relevant issues discussed at the GO Committee. After several motions on Special Item No. 6, the BCC agreed to set commissioners' salaries at approximately \$92,000 (State statutory formula). Term limits and restrictions on outside employment were not included in the ballot question.

Home Rule Charter Amendments

GO Items	2(A)	2(B)	2(C)	2(D)	2(G)
Sponsor	Barreiro	Edmonson	Gimenez	Jordan	Gimenez
Outside Employment	No	n/a	n/a	n/a	n/a
Salary	\$92,097	\$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	Effective with the term of Commissioners scheduled to commence in 2012 and 2014, no person will be elected as	Effective with the term of Commissioners scheduled to commence in 2012 and 2014, no person will be elected as	Effective with the term of Commissioners scheduled to commence in 2012 and 2014, no person will be elected as	n/a

	Commissioner for more than Four (4) consecutive four-year terms.	Commissioner for more than three (3) consecutive four-year terms.	Commissioner for more than Two (2) consecutive four-year terms.	Commissioner for more than Three (3) consecutive four-year terms.	
Other	n/a	n/a	n/a	n/a	This resolution amends the Home-Rule Charter to eliminate the Office of the County Manager.

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.

Legislative History

On July 18, 2008, the BCC held a special meeting to discuss twenty-two sponsored items pertaining to commissioners’ 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 would have 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.

During the general election of November 4, 2008, a ballot question pertaining to increasing the Commission pay failed 52 percent to 48 percent. The November 2008 election marked the eleventh time the issue has come before the voters. The measure did not include term limits.

**Statewide Survey of
Twenty (20) Florida Counties Governed by Home-Rule Charter**

County & Population	Compensation Method	Salary	Term Limits	Restriction on Outside Employment?
Alachua 252,388	Follow F.S. formula per Charter provisions	\$70,754	No	No
Brevard 556,213	Charter	\$58,308	2,4 year terms	No
Broward 1,758,494	Follow F.S. formula per Charter	\$92,097	3,4 year terms	No
Charlotte 165,781	Follow F.S. formula per Charter	\$61,235	No	No
Clay 185,168	Charter	\$64,558 for officials elected prior to Nov. 2008 \$36,899 for those elected after Nov. 2008	No	No
Columbia 66,121	Follow F.S. formula per Charter	\$40,798	No	No
Duval 904,971	Follow F.S. formula with modification per Charter	\$45,076 Council members \$59,951 for Council President	2,4 year terms	No for private sector; Yes for public offices
Hillsborough 1,200,541	Follow F.S. formula with modification per Charter	\$92,097 Commissioners \$101,307 Chairman	2, 4 year terms	No
Lee 623,725	Follow F.S. formula per Charter provisions	\$84,396	No	No
Leon 274,892	Follow F.S. formula per Charter provisions	\$72,136	No	No
Miami-Dade 2,477,289	Charter	\$6,000	No	No
Orange 1,114,979	Charter	\$74,544	2,4 year terms	No
Osceola 273,709	Follow F.S. formula per Charter provisions	\$72,063	No	No
Palm Beach	Follow F.S. formula per Charter	\$92,097	2,4 year terms	No

1,294,654				
Pinellas 938,461	Follow F.S. formula per Charter provisions	\$90,837	No	No
Polk 585,733	Follow F.S. formula with modification per Charter	\$41,216	2,4 year terms	No
Sarasota 393,608	Follow F.S. formula per Charter provisions	\$79,425	2,4 year terms	No
Seminole 426,413	Follow F.S. formula per Charter provisions	\$80,358	No	No
Volusia 510,750	Follow F.S. formula with modification per Charter	\$41,402 Commissioners \$49,250 for the Chairman	2,4 year terms	No
Wakulla 30,717	Follow F.S. formula per Charter provisions	\$30,919	No	No

Source: Office of the Commission Auditor and the Miami-Dade Department of Human Resources

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 2(E)
File Number: 100749
Committee(s) of Reference: Government Operations Committee
Date of Analysis: May 4, 2010
Type of Item: Resolution
Sponsor: Chairman Dennis C. Moss

Summary

This resolution prohibits individual County Commissioners from appearing before any County boards where such County boards will be considering or recommending the use or award of County funds.

During the April 13, 2010, Government Operations Committee meeting, the County Attorney's Office stated that the proposed resolution does not impact Commissioners that are currently member(s) of a County board. This resolution would impact those Commissioners appearing before a County board who are non-members.

County Advisory Boards with County Commission Membership

ART IN PUBLIC PLACES TRUST	Commissioner Heyman Commissioner Gimenez
CHILDREN'S TRUST	Commissioner Jordan
COMMUNITY IMAGE ADVISORY BOARD (CIAB)	All Commissioners or their Designees
COMPENSATION AND BENEFITS REVIEW COMMITTEE NOMINATING COUNCIL	Commissioner Gimenez Commissioner Diaz Commissioner Seijas
DADE-MIAMI CRIMINAL JUSTICE COUNCIL	Commissioner Rolle Commissioner Sorenson Commissioner Martinez
DIAL-A-LIFE PROGRAM ADVISORY AND OVERSIGHT BOARD	Commissioner Martinez
HOMELESS TRUST	Commissioner Edmonson
JAY MALINA INTERNATIONAL TRADE CONSORTIUM (ITC)	Commissioner Seijas
MIAMI METROZOO OVERSIGHT BOARD	Commissioner Moss
MIAMI-DADE ECONOMIC ADVOCACY TRUST (MDEAT) NOMINATING COUNCIL	Commissioner Edmonson

MIAMI-DADE SPORTS COMMISSION	Commissioner Rolle Commissioner Diaz
NW 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY (CRA)	Commissioner Rolle
PERFORMANCE AND EFFICIENCY COMMISSION	Commissioner Rolle Commissioner Sosa Commissioner Souto
PORT OF MIAMI CRANE MANAGEMENT INC. COMMITTEE	Commissioner Rolle
PUBLIC HEALTH TRUST	Commissioner Rolle Commissioner Souto
PUBLIC HEALTH TRUST / MIAMI-DADE COUNTY ANNUAL OPERATING AGREEMENT COMMITTEE	Chairman Moss
PUBLIC HEALTH TRUST / UNIVERSITY OF MIAMI ANNUAL AGREEMENT NEGOTIATING COMMITTEE	Chairman Moss
PUBLIC HEALTH TRUST COMPENSATION & EVALUATION COMMITTEE	Commissioner Rolle Commissioner Sosa Commissioner Souto
PUBLIC HEALTH TRUST NOMINATING COUNCIL	Commissioner Heyman Commissioner Sorenson Commissioner Moss
SOUTH FLORIDA WORKFORCE INVESTMENT BOARD	Commissioner Jordan
STS OVERSIGHT TASK FORCE	Commissioner Gimenez
TOURIST DEVELOPMENT COUNCIL	Commissioner Diaz
VALUE ADJUSTMENT BOARD	Commissioner Edmonson Commissioner Gimenez
YOUTH CRIME TASK FORCE	Commissioner Seijas

Source: Clerk of the Board, May 07, 2010

**County Commission Membership on County
Advisory Boards and Boards created by Other Governmental Agencies**

Commissioner Jordan District 1	Children's Trust South Florida Workforce Investment Board
Commissioner Rolle District 2	Port Of Miami Crane Management Inc. Committee Dade-Miami Criminal Justice Council Public Health Trust Miami-Dade Sports Commission Public Health Trust Compensation & Evaluation Committee Performance And Efficiency Commission NW 7th Avenue Corridor Community Redevelopment Agency (CRA)
Commissioner Edmonson District 3	Value Adjustment Board Homeless Trust Florida Association Of Counties Miami-Dade Economic Advocacy Trust (MDEAT) Nominating Council

Commissioner Heyman District 4	Art In Public Places Trust Public Health Trust Nominating Council Florida Association Of Counties
Commissioner Barreiro District 5	Downtown Development Authority Marlin's Baseball Stadium Project Coordinator Team Committee South Florida Regional Planning Council South Florida Regional Transportation Authority MPO Review Committee
Commissioner Sosa District 6	South Florida Regional Planning Council Public Health Trust Compensation & Evaluation Committee Performance And Efficiency Commission Greater Miami Visitors & Convention Bureau
Commissioner Gimenez District 7	Art in Public Places Value Adjustment Board STS Oversight Task Force Elections Canvassing Board Compensation and Benefits Review Committee Nominating Council
Commissioner Sorenson District 8	Public Health Trust Nominating Council Dade-Miami Criminal Justice Council South Florida Regional Planning Council Florida Association of Counties
Commissioner Moss District 9	Miami Metrozoo Oversight Board Public Health Trust Nominating Council Community Image Advisory Board (CIAB) Public Health Trust / University Of Miami Annual Agreement Negotiating Committee Public Health Trust / Miami-Dade County Annual Operating Agreement Committee
Commissioner Souto District 10	Public Health Trust Public Health Trust Compensation & Evaluation Committee Performance And Efficiency Commission
Commissioner Martinez District 11	Dial-A-Life Program Advisory And Oversight Board Dade-Miami Criminal Justice Council
Commissioner Diaz District 12	Tourist Development Council Greater Miami Chamber of Commerce Dade League of Cities Miami-Dade Sports Commission Compensation And Benefits Review Committee Nominating Council
Commissioner Seijas District 13	Jay Malina International Trade Consortium (ITC) Youth Crime Task Force Compensation And Benefits Review Committee Nominating Council

Source: Clerk of the Board, May 07, 2010

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 3(B)
File Number: 100999
Committee(s) of Reference: Government Operations Committee
Date of Analysis: May 5, 2010
Type of Item: Resolution
District: 9

Summary

This resolution authorizes the Mayor to execute and record a Release of Deed Restrictions on six (6) infill housing lots located at 1753 Lucy Street; 963 N.W. 15 Street; 1423 Redland Road; 904 N.W. 14 Street; 1210 N.W. 6 Avenue; and 530 N.W. 15 Street, Florida City, (Property).

Background and Relevant Information

On May 2, 2000, the Board of County Commissioners (BCC) approved Resolution 432-00, which authorized the County Manager to establish and implement certain actions and processes necessary to more efficiently administer Miami-Dade County's Infill Housing Initiative. One of these actions included the authorization to continue to transfer ownership of County-owned lots to not-for-profit development corporations, as prescribed under the Miami-Dade County Infill Housing Initiative.

On March 1, 2005, the Board of County Commissioners (BCC), through Resolution 239-05, authorized the conveyance of eight (8) parcels to the Florida City Foundation, Inc. (Foundation) for the development of infill housing, and established a County Deed with restrictions. The Foundation developed two (2) of the eight (8) lots, and the remaining six (6) lots were not developed in accordance with the County Deed restrictions.¹

- **Resolution 239-05 further mentioned that any land received from the Miami-Dade Housing Agency's (MDHA) Infill Housing Initiative cannot be transferred to another entity/for-profit developer without the permission of Miami-Dade County through MDHA.**

¹ The County Deed contains the following restrictions: (1) restrict development of the properties to affordable single family housing or such housing as may be allowed under zoning applicable to the parcel and will meet the guidelines of the Infill Housing Initiative; (2) Homes will be built to meet or exceed the Minimum Housing Quality Standards for Surtax and SHIP funding; (3) the property will be developed or rehabilitated with affordable housing within one (1) year of conveyance; (4) the home will remain as affordable for at least ten (10) years; and (5) the property cannot be transferred prior to obtaining the Certificate of Occupancy of the home without the prior written permission of the Miami-Dade Housing Agency. (See Resolution 239-05, hwpg 22)

The Infill Housing Initiative is now administered by General Services Administration (GSA) through its Infill Housing Program (the Program).

Florida City's Request

Florida City (City) is requesting that the County allow the Foundation be allowed to convey the Property to the City rather than be returned to the County and remove the County Deed restrictions from the Property. The City intends to utilize the Property to meet their affordable housing efforts and expand a commercial zone. The City will maintain the Property or any liabilities associated with the Property.

Non-Compliance of Restrictions and Covenants

- The County Deed provides that if there are violations or compliance issues with any of the restrictions and covenants, the Foundation, its successors or assigns, will correct the default/violation within thirty days of notification of the default by the County;
- If compliance is not achieved within thirty days, the County will have the right to re-enter and take possession of the property and to terminate and re-vest in the County the estate conveyed by the County Deed;
- Such reverted will warrant forfeiture of all monetary investments and improvements or right to compensation; and
- Any such right of re-entry will always be subjected to and limited by and will not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

Response from GSA Staff

1. Notification to the County from the Foundation pertaining to compliance issues:

Meetings were held with the City on August 15, 2007, and August 24, 2007. The City stated that the affordable home market was saturated and homes were not selling. The City also stated that building homes which remained empty and boarded up did not make business sense.

On January 7, 2008, the City requested extensions from the County, and the General Services Administration Director granted an extension to January 15, 2009.

On January 20, 2009, the Foundation requested an additional one (1) year extension to develop the Property. Staff recommended the lots be reverted back to the County, since no activity had taken place during the preceding 12 months.

On April 30, 2009, and August 17, 2009, the Foundation requested that the lots be deeded to the City. The City adopted the concept of approving the transfer of the Property from the Foundation through Resolution 09-45.

2. Attempts taken by the Foundation to prevent a default:

The Foundation solicited developers to build the homes within the county time frame, but this was not possible. There are many vacant new homes in South Dade, and building more at this time is not a profitable situation for builders.

3. Monitoring activity by County staff for the eight (8) parcels :

According to GSA staff, there were field visits, photos, meetings, letters, e-mails, reports, and phone contacts. The County received reports on a periodic basis detailing the Foundations efforts.

4. Maintenance of Property:

The lots are vacant and the Foundation and the City have maintained the Properties in an appropriate manner since the County conveyed the lots to the Foundation in 2005. The County conveyed a structure which was occupied by a family until the Foundation evicted them and demolished the duplex.

The City's Public Works Department maintains the Property on a monthly basis for the Foundation. The Foundation has not been charged for the services.

5. Violations (i.e. illegal dumping):

According to staff, there have been no violations of this type. The Foundation, along with the City, continues to maintain the lots in an appropriate manner.

On May 2009, the Foundation hired a demolition company to demolish an unsafe structure on lot 16-7824-008-0310.

6. Construction/Development Plans provided to the County from the City:

None. According to staff, because of the current real estate market in South Dade, there are no current plans for construction on any of the lots.

7. Financial responsibility:

On April 9, 2009, staff received a title search report from the Law Offices of Norman C. Powell which indicated that there were no mortgages, encumbrances, or liens on the parcels. There is no mortgage on any of the lots.

Also, since the lots are owned by the Foundation, a 501(c)3 non-profit, there are no taxes due each year.

Prepared by: Michael Amador-Gil