



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Government Operations
Committee

November 09, 2009
9:30 A.M.
Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

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

**Legislative Notes
Government Operations Committee
Meeting Agenda**

November 09, 2009

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

Item Number(s)

2D
2E
2I
2J
3B
3C
3D

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, Legislative Analyst

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



Legislative Notes

Agenda Item: 2(D)
File Number: 092851
Committee(s) of Reference: Government Operations Committee
Date of Analysis: November 4, 2009
Type of Item: Prohibiting Text Messaging
Prime Sponsor: Commissioner Katy Sorenson

Summary

This resolution creates a policy prohibiting County employees from text messaging, emailing and talking in cellular telephones while driving on duty. The proposed resolution directs the Mayor or his designee to prepare an implementing order effectuating this policy and provide for exceptions.

Background and Relevant Information

In 2008, nine (9) bills concerning the use of handheld cell phones and/or text messaging devices were proposed at the state level, but none made it out of committee; seven (7) bills regarding such use died in committee in 2009.

Three bills are currently proposed for 2010, including two by Sen. Frederica Wilson (D-Miami Gardens), who reintroduced Heather's Law, which would prohibit the use of handheld cell phones while driving, and a stand-alone text messaging bill (draft number 33-00095). Sen. Thad Altman (R-Viera) supports restrictions on texting only, as does Rep. Doug Holder, (R-Sarasota), who introduced H.B. 41. Rep. Matt Hudson (R-Naples) said that bill is in three committees and may be heard in November.¹

In California, all drivers are prohibited from using hand-held cell phones, but drivers 18 and older can use hands-free devices. The state's new text messaging law, which took effect July 1, prohibits all drivers from texting while operating a motor vehicle.

According to the National Highway Traffic Safety Administration's 2008 distracted driving statistics:

- 515,000 injuries occurred;
- There were 5,870 deaths; and
- On any day, nearly 800,000 drivers used a handheld cell phone.

Prepared by: Michael Amador-Gil

¹ *Legislative Bill Proposes to End Texting*, Naples News, October 7, 2009

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



Legislative Notes

Agenda Item: 2(E)
File Number: 092523
Committee(s) of Reference: Government Operations Committee
Date of Analysis: October 7, 2009
Type of Item: Schedule Special Meeting – Redistricting Plan
Prime Sponsor: Commissioner Dorrin D. Rolle
Commission District: Countywide

Summary

This resolution requests a special meeting of the Board of County Commissioners (BCC) in accordance with Rule 3.02 of the BCC's Rules of Procedure to discuss Miami-Dade County's 2010 Census¹ redistricting process.

The purpose of the special meeting is to hear presentations by redistricting consultants regarding the provision of assistance to the BCC and empanelling the Citizens Redistricting Advisory Board². The BCC,

¹ According to the 2010 Census Timeline: Recruitment began for local census jobs for early census operations in Fall 2008; Census employees went door-to-door to update address list nationwide in Spring 2009; recruitment will begin again for census takers needed for peak workload during Fall 2009; around February-March 2010 census questionnaires are mailed or delivered to households; April 1, 2010 is Census Day; census takers visit households that did not return a questionnaire by mail from April through July 2010; the Census Bureau, by federal law, will deliver the population counts to the President for apportionment; and the Census Bureau completes delivery of redistricting data to states around March 2011.

²Pursuant to Resolution 511-04, each Commissioner will appoint one member to the redistricting advisory board, who may not be a member of the BCC. The redistricting advisory board will be advised by the redistricting expert(s) designated by the BCC to assist the members of the BCC in the drafting of a redistricting plan, the County Attorney's Office and such other staff as may be appointed by the County Manager. After the initial release of the federal census data public redistricting workshops will be commenced at various locations throughout the county to inform and elicit comments from the public concerning the redistricting process. As appropriate to the location of the workshop, explanatory materials will be provided in English, Spanish and/or Creole. Spanish and/or Creole interpreters also shall be available to assist members of the public. (See Resolution 511-04 or File No. 040537)

through Resolution 511-04, set forth criteria for the redrawing of election districts during the decennial redistricting process which included a thirteen-member board.

Background and Relevant Legislation

According to the U.S. Census Bureau, the census bureau is required by the Constitution of the United States of America to conduct a count of the population every ten (10) years (a decennial census). The census data is imperative for state and local governments for federal and state funding, community and economic planning, redistricting, and ensuring they receive important services and resources for new schools, roads, hospitals, parks, housing projects and other public projects.

In an attempt to increase the accuracy and fairness of redistricting, Public Law 94-171, passed by Congress in 1975, the U.S. Census Bureau is required to work closely with state officials before each decennial census. Under the provisions of P.L. 94-171, the data needed for redistricting are delivered to the majority and minority leaders of each state legislature, as well as to each governor.

The U.S. Census also affects the amount of federal funding received by the states, counties, and cities. The planning of Florida’s infrastructure such as, schools, government services, highways and roads, and senior centers is based on data derived from the U.S. Census. In fiscal year 2000, 85 percent of federal government grants to state and local governments were distributed based on state population and personal income. Every year, about \$300 billion in federal funds are distributed to local, state, and tribal governments based on census data.³

Charter Counties in Florida

County	Year Charter Adopted	Number of Municipalities	2008 Population	District Structure	Administrative Structure	2010 Census County Committee
Alachua	1987	9	241,364	5 at-large	Administrator	N/A
Brevard	1994	15	536,521	5 Single	Administrator	A redistricting committee is appointed by the BCC, and all recommendations will be made directly to the BCC.
Broward	1975	31	1,751,234	9 Single	Administrator	Yes, Census 2010 Complete Count Committee
Charlotte	1986	1	150,060	5 at-large	Administrator	N/A
Clay	1991	4	184,727	7 at-large	Administrator	N/A
Columbia	2002	2	69,092	5 Single	Manager	N/A
Duval	1968	5	850,962	Mixed (14/5)	Administrator	N/A
Hillsborough	1983	3	1,180,784	Mixed (4/3)	Executive	Yes, Hillsborough Complete Count Committee

³ SunshineCensus2010.com

County	Year Charter Adopted	Number of Municipalities	2008 Population	District Structure	Administrative Structure	2010 Census County Committee
Lee	1996	5	593,136	5 at-large	Administrator	N/A
Leon	2002	1	264,063	Mixed (5/2)	Administrator	N/A
Miami-Dade	1957	35	2,398,245	13 Single	Administrator & Strong Mayor	A Citizens Redistricting Advisory Board was created through Resolution 511-04 and may be empanelled with 13-member citizens. ⁴
Orange	1987	13	1,072,801	6 Single	Executive	Yes, Orange County Neighborhood Services is tasked with marketing Census 2010; and Orange County's Complete Count Committee ⁵
Osceola	1992	2	263,676	5 at-large	Manager	N/A
Palm Beach	1985	37	1,265,293	7 Single	Administrator	Yes, Palm Beach County Complete Count Committee
Pinellas	1980	24	910,260	Mixed (3/4)	Administrator	N/A
Polk	1998	17	580,594	5 at-large	Administrator	N/A
Sarasota	1971	4	372,057	5 at-large	Administrator	N/A
Seminole	1989	7	410,854	5 at-large	Administrator	Seminole County Complete Count Committee remained active until September

⁴ According to the Clerk of the Board's Boards and Appointment System, the Citizens Redistricting Advisory Board was never activated, (term of membership one (1) year). (http://intra.miamidadegov/cbas/board_maintenance.asp?cmd=2&id=1308)

⁵ Orange County's Complete Count Committee will be responsible for marketing and outreach to encourage population to complete census forms. The committee is composed of members that are citizens, agencies, organizations, religious groups, and ethnic groups. Subcommittees include: ethnic, religious, media, or others as designated by the local governments.

County	Year Charter Adopted	Number of Municipalities	2008 Population	District Structure	Administrative Structure	2010 Census County Committee
						20, 2009.
Volusia	1971	16	498,036	Mixed (5/2)	Executive	Yes, Volusia County Complete Count Committee and subcommittees

Source: Florida Association of Counties and the following Florida County websites: Alachua; Brevard; Broward; Charlotte; Clay; Columbia; Duval; Hillsborough; Lee; Leon; Miami-Dade; Orange; Osceola; Palm Beach; Pinellas; Polk; Sarasota; Seminole; and Volusia.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 2(I) Substitute
File Number: 091993
Committee(s) of Reference: Government Operations Committee
Date of Analysis: November 4, 2009
Type of Item: Urging
Prime Sponsor: Commissioner Rebeca Sosa
Commission District: Countywide

Summary

This resolution urges Congress to pass legislation addressing imported Chinese drywall and directs the Mayor or his designee to prepare a report related to the prevalence of Chinese drywall in Miami-Dade County.

Background and Relevant Legislation

The U.S. Consumer Product Safety Commission (CPSC), U.S. Environmental Protection Agency (EPA), U.S. Department of Housing and Urban Development (HUD), Centers for Disease Control and Prevention (CDC), Agency for Toxic Substance and Disease Registry (ATSDR), and numerous state departments of health have been working together to investigate and analyze how Chinese-made drywall entered the country, where it was used, what is in it, and what impact it may have on human health and corrosion of electrical and fire safety components.

CPSC has received about 1,897 reports from residents in 30 states, the District of Columbia, Louisiana, Virginia, and Puerto Rico who believe their health symptoms or the corrosion of certain metal components in their homes are related to the presence of drywall produced in China.

Affected consumers largely report that their homes were built in 2006 to 2007, when an unprecedented increase in new construction occurred in part due to the hurricanes of 2004 and 2005.¹

A group of senators from states mentioned above is seeking a Senate resolution to urge banks and mortgage lenders to offer homeowners some relief. Sens. Nelson and LeMieux from Florida; Mary Landrieu and David Vitter of Louisiana; and Mark Warner and Jim Webb of Virginia introduced the resolution.²

¹ <http://www.cpsc.gov/info/drywall/>

² "Senators push for Chinese drywall relief," Miami Herald, November 5, 2009

A new bill now before Congress, *the Foreign Manufacturers Legal Accountability Act of 2009* (S. 1606)³ would require foreign manufacturers that export to the U.S. to:

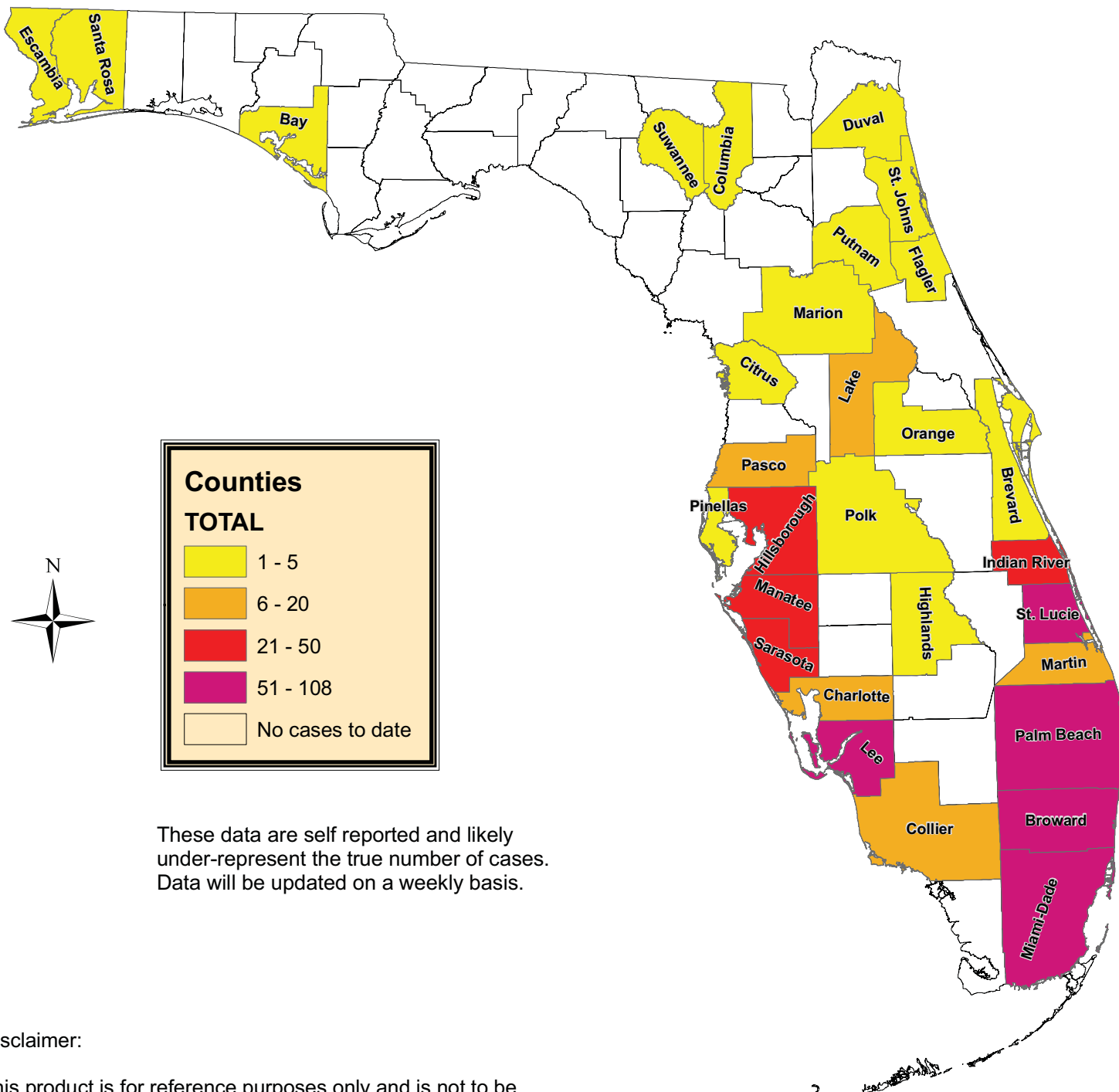
- Agree to abide by U.S. law and be held accountable by state and federal courts; and
- Have an “agent” in at least one state where the company does business that would accept the service of legal papers for any lawsuits or regulatory claims.

Prepared by: Michael Amador-Gil

³ Introduced August 6, 2009

Reports of Drywall "Cases" to DOH County Health Departments

October 30, 2009
(N = 619 in 30 counties)



These data are self reported and likely under-represent the true number of cases. Data will be updated on a weekly basis.

Disclaimer:

This product is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's own risk. The Florida Department of Health and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

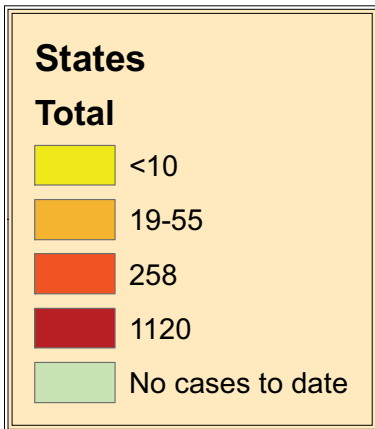
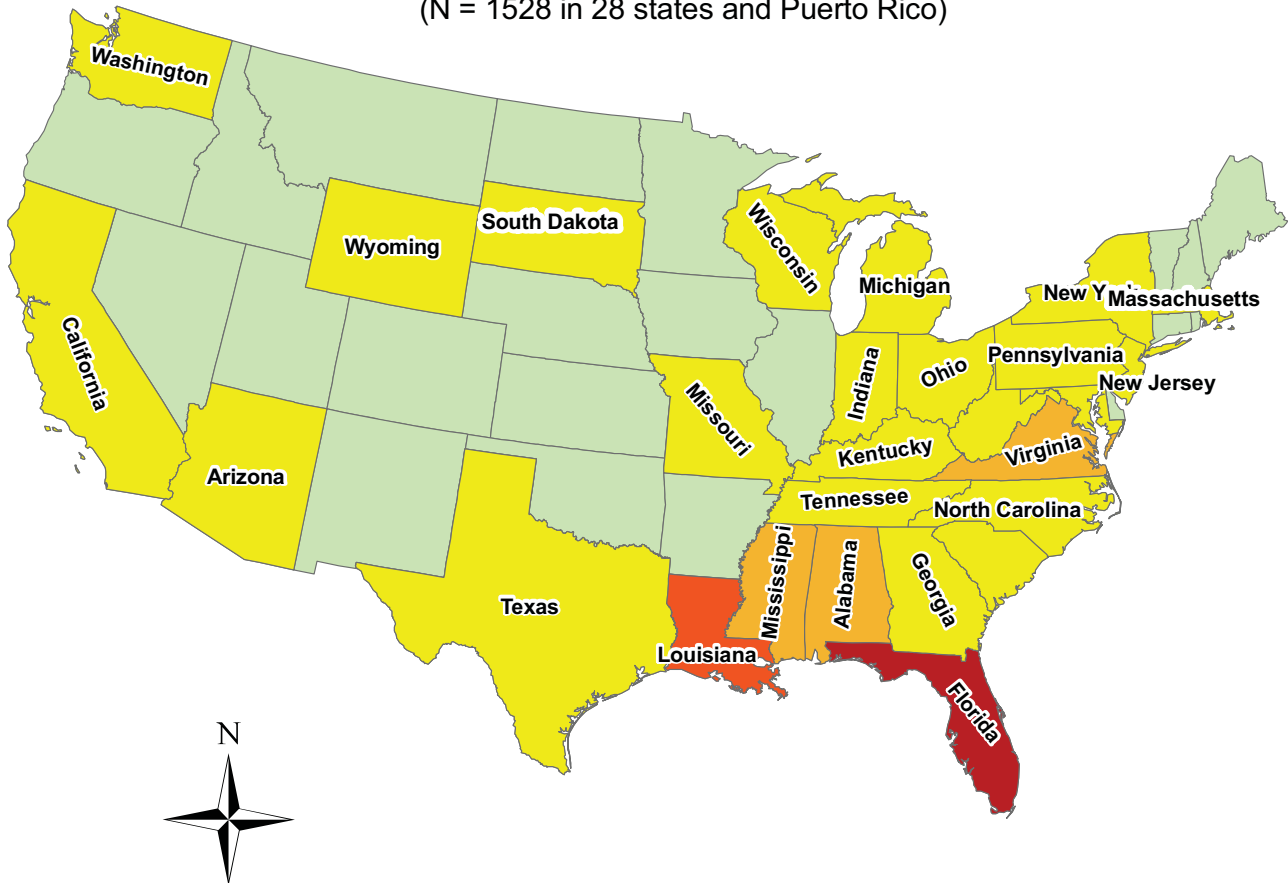


Reports of Drywall "Cases" Meeting FL-DOH's Case Definition

Florida Department of Health and US Consumer Product Safety Commission

October 2, 2009

(N = 1528 in 28 states and Puerto Rico)



These data are self reported and likely under-represent the true number of cases. Data will be updated on a weekly basis.

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**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 2(J)
File Number: 092761
Committee(s) of Reference: Government Operations Committee
Date of Analysis: October 23, 2009
Type of Item: Conveyance of Properties
Prime Sponsor: Commissioner Barbara J. Jordan

Summary

This resolution conveys seven (7) parcels of land to Habitat for Humanity of Greater Miami, Inc. (HHGM) for the development of affordable housing.

National Trend

According to the State of the Nation's Housing 2009 Study by the Joint Center for Housing Studies of Harvard University, between 1980 and 2000, the share of cost burdened households shot up by almost six percentage points between 2001 and 2007. This includes a three percentage point increase in households with severe burdens. As a result, the number of households spending more than half their incomes on housing jumped by an unprecedented 30 percent to 17.9 million in 2007. Another 21.6 million had moderate burdens, paying 30–50 percent of income for housing. By 2007, fully 30 percent of all homeowners were at least moderately burdened and 12 percent were severely burdened. Even so, the share of renters with severe burdens remained nearly twice as high as that of owners, despite a modest 0.6 percentage point dip from 2005 to 2007.

Households in the bottom income quartile are most likely to face affordability problems. In 2007, nearly three-quarters of severely cost-burdened households had low incomes. Indeed, fully 51 percent of low-income renters and 43 percent of low income owners paid more than half their incomes for housing. High housing outlays cut deep into household budgets, leaving low-income families about \$485 per month for everything else.

Households in the bottom expenditure quartile devoting more than half their spending to housing on average spent \$123 less each month on food, \$86 less on healthcare, and \$20 less on clothing than households that were paying less than 30 percent of outlays for housing. Even households with expenditures in the lower-middle quartile but with high housing outlays had less left over than bottom quartile households with low housing outlays. It remains to be seen whether the incidence of cost burdens will increase as job losses continue to mount or retreat in the face of falling house prices. But even if age- and race-specific shares return to 2000 levels by 2015, a grim 16.2 million households would still be severely housing cost burdened in that year.

Below is a status report, through September 11, 2009, of the parcels conveyed to HHGM pursuant to Resolutions 175-09 and 415-08:

NO.	Folio	Developer	Address	District	% Complete
1	'0131140170640	HHGM	1476 NW 69 TERR	2	0.00%
2	'0131140180120	HHGM	1527 NW 67 ST	2	30.00%
3	'0131140180480	HHGM	1463 NW 68 ST	2	0.00%
4	'0131140180640	HHGM	1450 NW 68 TERR	2	60.00%
5	'0131140180890	HHGM	1620 NW 68 TERR	2	0.00%
6	'0131140181310	HHGM	1419 NW 68 TERR	2	0.00%
7	'0131140270510	HHGM	1541 NW 64 ST	2	50.00%
8	'0131140270880	HHGM	1524 NW 64 ST	2	50.00%
9	'0131140271370	HHGM	1610 NW 62 TERR	2	0.00%
10	'0131140271380	HHGM	1626 NW 62 TERR	2	0.00%
11	'0131150050950	HHGM	1706 NW 69 ST	2	0.00%
12	'0131150052710	HHGM	6320 NW 17 AVE	2	0.00%
13	'3021340050870	HHGM	1920 NW 113 TERR	2	0.00%
14	'3021350000170	HHGM	1021 NW 103 ST	2	0.00%
15	'3031030080320	HHGM	2143 NW 97 ST	2	100.00%
16	'3031030190640	HHGM	1951 NW 97 ST	2	0.00%
17	'3031040100080	HHGM	3135 NW 88 ST	2	40.00%
18	'3031090200360	HHGM	3110 NW 77 ST	2	100.00%
19	'3031100280680	HHGM	7138 NW 20 AVE	2	0.00%
20	'3031100281130	HHGM	2135 NW 70 ST	2	0.00%
21	'3031100350710	HHGM	2000 NW 86 ST	2	40.00%
22	'3031100430220	HHGM	1811 NW 83 ST	2	0.00%
23	'3031100570340	HHGM	1910 NW 82 ST	2	0.00%
24	'3031100571600	HHGM	2345 NW 79 TERR	2	65.00%
25	'3031100571850	HHGM	2178 NW 79 TERR	2	0.00%
26	'3031110230170	HHGM	7111 NW 16 AVE	2	95.00%
27	'3031110230450	HHGM	7193 NW 15 CT	2	85.00%
28	'3031110240070	HHGM	Adj W 1160 NW 77 ST	2	0.00%
29	'3031110380120	HHGM	1460 NW 74 ST	2	0.00%
30	'3031110380130	HHGM	1470 NW 74 ST	2	0.00%
31	'3031110410010	HHGM	8100 NW 14 PL	2	0.00%
32	'3031110410240	HHGM	7925 NW 15 AVE	2	0.00%
33	'3031110430050	HHGM	1555 NW 84 ST	2	0.00%
34	'3031110440192	HHGM	8100 NW 13 CT	2	0.00%
35	'3031110470220	HHGM	7927 NW 10 CT	2	85.00%
36	'3031150056390	HHGM	1855 NW 69 ST	2	0.00%
37	'3031150170260	HHGM	Adj N 7006 NW 19 AVE	2	30.00%
38	'3031150170400	HHGM	2000 NW 69 TERR	2	0.00%
39	'3031150170410	HHGM	6900 NW 20 AVE	2	0.00%
40	'3031150360020	HHGM	2321 NW 68 ST	2	0.00%
41	'3031150360130	HHGM	6745 NW 23 CT	2	0.00%
42	'3031150370130	HHGM	Adj S 6295 NW 23 AVE	2	0.00%
43	'3031150430680	HHGM	2480 NW 68 ST	2	0.00%
44	'3031160060041	HHGM	3051 NW 64 ST	2	0.00%
45	'3031100150810	HHGM	1770 NW 73 ST	2	0.00%
46	'3031100280030	HHGM	ADJ E 1932 NW 71 ST	2	0.00%
47	'3031100280840	HHGM	7016 NW 20 AVE	2	0.00%
48	'3031100281110	HHGM	7065 NW 20 AVE	2	0.00%
49	'3031100282040	HHGM	ADJ E 2296 NW 74 ST	2	0.00%
50	'3031100282060	HHGM	7019 NW 20 AVE	2	0.00%
51	'3031150053750	HHGM	1860 NW 63 ST	2	0.00%
52	'3031150053920	HHGM	1833 NW 62 TERR	2	0.00%
53	'3031150053950	HHGM	1861 NW 62 TERR	2	0.00%
54	'3031150054900	HHGM	1879 NW 65 ST	2	0.00%

NO.	Folio	Developer	Address	District	% Complete
55	'3031150055560	HHGM	1872 NW 68 ST	2	0.00%
56	'3031150055720	HHGM	ADJ E 1821 NW 68 ST	2	0.00%
57	'3031150055760	HHGM	1827 NW 68 ST	2	0.00%
58	'3031150055930	HHGM	ADJ E 1840 NW 69 ST	2	0.00%
59	'3031150056460	HHGM	1882 NW 70 ST	2	0.00%
60	'3031150056470	HHGM	ADJ E 1882 NW 70 ST	2	0.00%
61	'3031150056660	HHGM	1827 NW 69 ST	2	0.00%
62	'3031150056740	HHGM	ADJ E 1895 NW 69 ST	2	0.00%
63	'3031150170220	HHGM	7019 NW 20 AVE	2	0.00%
64	'3031160091200	HHGM	3120 NW 58 ST	2	75.00%
65	'3031160091760	HHGM	3155 NW 55 ST	2	80.00%
66	'3031160096500	HHGM	2770 NW 57 ST	2	60.00%
67	'3031210190520	HHGM	3363 NW 48 TERR	3	20.00%
68	'3031210190950	HHGM	3360 NW 48 TERR	3	70.00%
69	'3031150051530	HHGM	1726 NW 68 ST	2	0.00%
70	'3031150055880	HHGM	ADJ. E 1872 NW 69 ST	2	0.00%
71	'3031150055910	HHGM	1844 NW 69 ST	2	0.00%
72	'3031220200200	HHGM	ADJ. E 2369 NW 50 ST	3	0.00%
73	'3031220200240	HHGM	ADJ. E 2341 NW 50 ST	3	0.00%
74	'3031220200170	HHGM	2380 NW 51 ST	3	0.00%
75	'3031220200180	HHGM	23XX NW 51 ST	3	0.00%
76	'3031220200210	HHGM	23 AV & 24 AV NW 51 ST	3	0.00%
77	'3031220200220	HHGM	ADJ. W 5036 NW 23 AVE	3	0.00%
78	'3031220200120	HHGM	2380 NW 51 ST	3	0.00%
79	'3031150054510	HHGM	1825 NW 64 ST	2	0.00%
80	'3031150054490	HHGM	1815 NW 64 ST	2	0.00%
81	'3031150054500	HHGM	1823 NW 64 ST	2	0.00%
82	'3031150051000	HHGM	1737 NW 68 ST	2	0.00%
83	'0131120530010	HHGM	7715 NW 1 AVE	3	0.00%
84	'3031100280740	HHGM	7118 NW 20 AVE	2	0.00%
85	'3031110470530	HHGM	7944 NW 11 AVE	2	0.00%
86	'3031150056340	HHGM	Adj.W 1811 NW 69 ST	2	0.00%
87	'0131130580210	HHGM	6218-20 NW 1 CT	3	0.00%
88	'0131130580211	HHGM	6208 NW 1 CT	3	0.00%
89	'0131250481190	HHGM	1635 NW 1 CT	3	0.00%
90	'3031100280120	HHGM	7136 NW 19 AVE	2	0.00%
91	'3031100281830	HHGM	adj 2244 NW 75 ST	2	0.00%
92	'3031100570480	HHGM	1895 NW 81 TERR	2	0.00%
93	'3031110380520	HHGM	1543 NW 73 ST	2	0.00%
94	'3031110380620	HHGM	1697 NW 73 ST	2	0.00%
95	'3031110410120	HHGM	7968 NW 14 PL	2	0.00%
96	'3031150050250	HHGM	1751 NW 70 ST	2	0.00%
97	'3031150051180	HHGM	1762 NW 68 TERR	2	0.00%
98	'3031150053720	HHGM	1866 NW 63 ST	2	0.00%
99	'3031150053730	HHGM	1864 NW 63 ST	2	0.00%
100	'3031150053740	HHGM	Adj. E of 1864 NW 63 ST	2	0.00%
101	'3031150055730	HHGM	1821 NW 68 ST	2	0.00%
102	'3031150055940	HHGM	1836 NW 69 ST	2	0.00%
103	'3031150056040	HHGM	1821 NW 68 TERR	2	0.00%
104	'3031150056750	HHGM	1895 NW 69 TERR	2	0.00%
105	'3031150170310	HHGM	2030 NW 70 ST	2	0.00%
106	'3031150170360	HHGM	Adj. S of 6938 NW 20 AVE	2	0.00%
107	'3031150370160	HHGM	6295 NW 23 AVE	2	0.00%
108	'3031160060060	HHGM	3041 NW 64 ST	2	0.00%
109	'0131120530020	HHGM	7710 NW 1 AVE	3	0.00%
110	'0131150052715	HHGM	6330 NW 17 AVE	2	0.00%
111	'3021350000160	HHGM	1023 NW 103 ST	2	0.00%

<u>NO.</u>	<u>Folio</u>	<u>Developer</u>	<u>Address</u>	<u>District</u>	<u>% Complete</u>
112	'3031030190645	HHGM	1941 NW 97 ST	2	0.00%
113	'3031100280125	HHGM	7140 NW 19 AVE	2	0.00%
114	'3031100282045	HHGM	22XX NW 74 ST	2	0.00%
115	'3031100570345	HHGM	1925 NW 81 TERR	2	0.00%
116	'3031100280685	HHGM	7104 NW 20 AVE	2	0.00%
117	'3031100280745	HHGM	2015 NW 71 ST	2	0.00%
118	'3031100280741	HHGM	7108 NW 20 AVE	2	0.00%
119	'3031100282065	HHGM	23XX NW 73 ST	2	0.00%
120	'3031100570481	HHGM	1885 NW 81 TERR	2	0.00%
121	'3031110410011	HHGM	8110 NW 14 PL	2	0.00%
122	'3031150056395	HHGM	1857 NW 69 ST	2	0.00%
123	'3031150056755	HHGM	1891 NW 69 TERR	2	0.00%
124	'3031150170415	HHGM	2012 NW 69 TERR	2	0.00%
125	'3031150360025	HHGM	2325 NW 68 ST	2	0.00%
126	'3031150360135	HHGM	6755 NW 23 CT	2	0.00%
127	'3031150430685	HHGM	2488 NW 68 ST	2	0.00%

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: 092306
Committee(s) of Reference: Government Operations Committee
Date of Analysis: October 7, 2009
Type of Item: Ordinance
Prime Sponsor: Commissioner Natacha Seijas
Co-Sponsor: Vice Chairman Jose "Pepe" Diaz

Summary

This item establishes a Compensation and Benefits Review Committee responsible for conducting a comprehensive evaluation of County standing personnel policies. The Compensation and Benefits Review Committee's role is to advise the Mayor and the Board of County Commissioners (BCC) on policies which "will manage the growth of personnel costs while continuing to provide competitive wages and benefits." The Compensation and Benefits Review Committee will submit an annual report to the Mayor and the BCC every May of each year.

Composition: Nine (9) members

Membership Qualifications: Resident of Miami-Dade County; expertise in human resources; public management; and organizational design

Term: Three (3) years

Appointment: Members will be selected by a five (5) person Nominating Council (of which three (3) will be County Commissioners, the Chair of the Social & Economic Development Council, one (1) Representative of a County Collective Bargaining Union); the Nominating Council will submit to the BCC its list of nominees; and the BCC will appoint Compensation Benefits Review Committee members from the list. The Nominating Council will be appointed by the Mayor, who will designate a Chairperson of the Nominating Council.

Duties: Review and make recommendations regarding: employee compensation plans, compensation policies, wages, salaries, benefits, **collective bargaining agreements**, deferred retirement

programs, classified civil service rules, reduction in force policies, the ratio of managers to subordinates, comparison of other public sector pay and private sector pay performing similar duties; and promulgate rules.

Expiration of Ordinance: This ordinance will expire three (3) years from its effective date.

The Office of the Commissioner Auditor conducted a state and nationwide survey to determine if other jurisdictions have established a similar committee function. The following survey provides general information on their responsibilities and what branch the committee reports to (legislative or executive).

County	Committee/ Advisory	Membership & Terms	Purpose	Branch
Broward County	No committee			
Brevard County	Brevard County established the Employee Benefits Insurance Advisory Committee which reviews and makes recommendations about Employee Health Benefit options to the Board of County Commissioners.			
Duval County	No committee			
Hillsborough County	Employee Advisory Committee (EAC)	26 members 4 years	The classified service is represented by an EAC which is established by the Civil Service Act. This Committee meets on a monthly basis and serves in an advisory capacity to the Hillsborough County Civil Service Board concerning personnel matters, policies, Civil Service rules, and other policies affecting employees within the classified service.	The EAC reports to the Board of County Commissioners
Lee County	No committee			
Orange County	No committee			
Palm Beach County	Did not respond to survey			
Pinellas County	Employees Advisory Council (EAC) ¹	15 members Council members are elected to two-year	The Classified Service is represented by an Employees' Advisory Council which is established by the Unified	The EAC reports to the Personnel Board, which is independent of the

¹The following issues have been addressed by the Pinellas County's EAC: reinstatement of the COLA; increase available merit percentages; accelerate employees to salary mid point; hazard pay for special classified employees; severance pay to laid off employees; eliminate legislated salary cap on constitutional offices; leave exchange date at employee option; and new employees start with 40 hour leave bank.

County	Committee/ Advisory	Membership & Terms	Purpose	Branch
		terms by their fellow employees.	Personnel Act, Florida Statutes 77-642, Section 7. This Council meets monthly and serves in an advisory capacity to the Personnel Board and the Director of Human Resources concerning personnel matters, policies, rules, and regulations affecting Pinellas County employees. The Council is charged with developing and recommending ideas related to working conditions, morale, public image, efficiency, employee safety, and employee benefit programs.	legislative and executive branch. The Director of Human Resources acts as a liaison between the Personnel Board and the EAC.
Polk County	Employee Advisory Committee	6 members	N/A	Reports to the County Manager
Volusia County	Benefits Committee (inactive)			
Salt Lake City, Utah	Citizens Compensation Advisory Committee (CCAC)	<p>7 members</p> <p>One appointed by the mayor will serve for two years; one of the members of the committee appointed by the city council will serve for two years; and the one initial member appointed by the other six members of the committee will serve for a term of two years.</p> <p>The remaining four initial members of the committee will each serve for a term of four years. All persons appointed thereafter to the committee will serve four year terms.</p>	<p>The CCAC was established to evaluate and make recommendations to the Mayor and City Council regarding compensation levels.</p> <ul style="list-style-type: none"> • Conduct research, studies, and analysis of compensation levels regarding public officials and employees. • Prepare annual report recommending compensation levels and benefits. • Conduct studies and provide advice on compensation issues requested by Mayor or City Council. 	Reports to the Mayor and City Council

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



Legislative Notes

Agenda Item: 3(C)
File Number: 092509
Committee(s) of Reference: Government Operations Committee
Date of Analysis: November 5, 2009
Type of Item: Ordinance
Prime Sponsor: Commissioner Bruno A. Barreiro

Summary

The proposed ordinance amends Section 8-10 of the Code of Miami-Dade County by (1) requiring proof of notice to homeowners' association for certain permits; and (2) Amends Section 33-8.1 requiring proof of notice to homeowners association for zoning improvement permits.

Background and Relevant Information

The proposed ordinance requires the applicant for a building or zoning improvement permit performing work on the exterior of his/her living unit in developments controlled by a Homeowners' Association (HOA) to submit proof to the Building Official that he/she has notified the HOA of the filing of the permit application and the nature of the work to be performed.

According to Building staff:

1. This requirement should be moved into the Zoning Code instead of Section 8-10 for the following reasons:
 - Staff in the Department of Planning and Zoning (DP&Z) already enforces this requirement for townhouses and cluster developments.
 - Building Department staff will not know which projects or properties are governed by a HOA. Clerical support staff at the permit counter and technical plan processors in the Building Department have no experience with property tax records or real estate records which may need to be reviewed to make such determinations.

2. If the requirement remains in Section 8-10 as proposed, then there should be an understanding that the required screening of the permit applications will be performed by DP&Z as is currently done in other instances.

If the ordinance is approved and the Building Department was to enforce it as required, the department would enforce the legislative action by means of an affidavit.

The affidavit will consist of two parts:

- One to attest there is (or not) a homeowner association.
- A second part for those who indicate there is an association that the association has been notified.

According to Building staff, to process the affidavit, the department would charge a non-refundable \$50.00 processing fee.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 3(D)
File Number: 092506
Committee(s) of Reference: Government Operations Committee
Date of Analysis: November 4, 2009
Type of Item: Ordinance
Prime Sponsor: Vice Chairman Jose "Pepe" Diaz

Summary

This ordinance amends Chapter 20 Article IV and Chapter 33 Article XXXVI of the Code of Miami-Dade County by (1) providing for appointment rather than election of Community Council positions; (2) modifying the number of community council boards to no more than four (4) versus the current configuration of ten (10) ; (3) modifying the boundaries of community councils to conform to boundaries of commission districts; (4) permitting elected and appointed members currently in office to remain in office until resignation, removal or expiration of term; and (5) modifying the number of community council members from seven (7) to nine (9).

According to Planning and Zoning staff, the reconfiguration of the boundaries was completed with the GIS Contiguous Commission District data.

Highlights

Each member of Board of County Commissioners (BCC) whose commission district comes within the boundaries of a Community Council (CC) area will nominate an equal number of CC members to the CC. The proposed ordinance mentions that in the event that an additional position remains on the CC after all BCC members have submitted their nominations to the BCC, the BCC member who has the responsibility for the remaining nomination will be determined by a lottery.

The lottery scenario would apply only to Northeast CC 1, 2,3,4,5 and CC Central 10, 11.

Background and Relevant Information

Community Councils are generally understood to be groups of people that work with their local government and other public bodies to determine, coordinate, express and represent the views of the community it represents. Furthermore, CCs may consider several of the following factors when deciding on council-related matters: (1) constraints on the local economy and government budgets; (2) demands for greater government transparency and accountability; and (3) desires to involve communities (stakeholders and beneficiaries) in decisions, among many others factors.

CCs in Miami-Dade currently:

- (1) make zoning and land use decisions;
- (2) serve as advisory liaisons from their communities to the Board of County Commissioners (BCC) and County staff, relaying relevant information and recommendations on selected concerns of the council area; and
- (3) make recommendations to the BCC on capital, programming and operational priorities for municipal services such as police, parks, fire and roadway maintenance in their area as well as relaying other concerns and needs of local residents.

CCs are comprised of six members elected by the community and one appointed by the BCC. All members must be registered voters and reside in the area that they represent.

CCs usually meet once a month to discuss zoning matters and every other month to address non-zoning issues. All meetings are advertised in the "Neighbors" section of the Miami Herald at least 7 days in advance. In addition, meeting notices are posted in the Miami-Dade County Calendar.

Legislative History

The BCC created sixteen community councils in September 1996, to serve as local Zoning Appeals Boards in the unincorporated areas of Miami-Dade County. Before the CCs began their zoning activity in February 1997, CC-1 was dissolved due to the pending incorporation of Sunny Isles Beach. Since then, five more CCs dissolved or are no longer functioning because of annexation or incorporation. There are ten functioning CCs remaining. **The BCC, on May 11, 2004, approved Ordinance 04-101, which modified the configuration and boundaries of these remaining CCs.**

Chapter 33 of the Code of Miami-Dade County (Code) establishes the zoning laws of the unincorporated sections of Miami-Dade County. Additionally, CCs may, at their option, take on a number of advisory (non zoning) responsibilities with respect to the unincorporated areas.¹

According to Section 33-311 of the County Code of Miami-Dade County, the purpose of zoning regulations is to provide:

Comprehensive plan and design to lessen highway congestion; to secure safety from fire, panic and other dangers; to promote health, safety, morals, convenience and the general welfare; to provide light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements with the view of giving reasonable consideration, among other things, to the character of the district or area and its peculiar suitability for particular uses and with a view toward conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.

The Home Rule Amendment of the Florida Constitution (Article VIII, Section 6) provides for Miami-Dade County's home rule authority. Further, Section 4.08 of the Miami-Dade County Home Rule Charter provides the BCC the authority to "provide a board to hear, consider and review appeals from the zoning

¹ OIG Review of Miami-Dade Community Councils Report, February 7, 2005

regulations or decisions of an administrative official, and to take appropriate action.” [Section 33-306(b) of the Miami-Dade County Code]

Growth Management Act

The Florida Legislature enacted the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. 163.3161 (commonly known as the Growth Management Act) to regulate some local rules in zoning decisions. The purpose of the act was "to utilize and strengthen the existing role, processes, and powers of local governments in the establishment of comprehensive planning programs to guide and control future development." [F.S. 163.3 161(2)]

Under the Growth Management Act, each municipality is required to prepare and adopt a comprehensive plan to manage future growth and development and implement land development regulations to fulfill the goals and objectives stated in that municipality's adopted plan. Miami-Dade County adopted Ordinance No. 75-22, "Comprehensive Development Master Plan", on March 31, 1975. Updates to the Master Plan were adopted in 1988 and 1995. Local zoning action must be in conformity with the Comprehensive Development Master Plan. [F.S. 163.3 161(6)]²

The Office of the Commissioner Auditor conducted the following statewide survey to determine if other jurisdictions established a similar CC structure. The survey provides general information on the CCs membership duties and whether members are appointed or elected.

Jurisdiction	Duties	Appointed or Elected
Alachua County (Local Planning Agency)	Alachua considers their LPA a CC as this body prepares the Comprehensive Plan; reviews and make recommendations on Land Development Regulations, rezoning, zoning ordinance amendments, special use permits, temporary use permits and special exceptions for the County.	Appointed by the Board of County Commissioners and one (1) appointed by the School Board.
Broward County (3 Neighborhood Councils)	The Neighborhood Council reviews and makes recommendation to the Broward County Commission on all proposed amendments to land use issues within their boundaries.	Elected by the Neighborhood Association members within the district boundaries.
Duval County (Citizens Planning Advisory Committee)	Jacksonville's more than 500 neighborhoods are divided into six (6) planning districts each with a Citizens Planning Advisory Committee or "CPAC". The primary purpose of the CPAC is to maintain open and effective communication between Jacksonville residents, businesses, neighborhoods, community organizations, educational institutions and city government. (Broad-	CPAC members are appointed by the Mayor. Members are nominated through a variety of community, civic, or government organizations located in their district. Eligibility for appointment is determined by the Director of the Housing and Neighborhoods Department. The Mayor appoints members for a

² OIG Review of Miami-Dade Community Councils Report, February 7, 2005

Jurisdiction	Duties	Appointed or Elected
	based public involvement in planning, land use, zoning, transportation, community services, economic development, recreation, schools, police and public safety)	two-year term.
Pinellas County (Local Planning Agency)	Pinellas considers the LPA their CC as their responsible for making <i>recommendations</i> to the Board of County Commissioners regarding development of, or changes to, the Comprehensive Plan. The LPA also reviews amendments to the Land Development Code (including zoning changes), and a variety of other items, to ensure that they are consistent with, and serve to implement, the Comprehensive Plan.	The LPA consists of <u>appointed</u> members selected from the community by the Board of County Commissioners.
Hillsborough County	Does not have a CC structure	
Polk County	Pending	
Orange County	Pending	
Palm Beach County	Does not have a CC group. Palm Beach mentioned that there are about eight (8) community groups or Homeowner Associations that may provide recommendations to the Board of County Commissioners if there is an item within their boundaries.	

Prepared by: Michael Amador-Gil