



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Health, Public Safety & Intergovernmental
Committee**

May 14, 2009

2:00 P.M.

Commission Chamber

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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
Health, Public Safety & Intergovernmental Committee
Meeting Agenda**

May 14, 2009

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

Item Number(s)

2(A)	3(A)
3(B)	3(C)

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



Legislative Notes

Agenda Item: 2A

File Number: 091418

Committee(s) of Reference: Health, Public Safety & Intergovernmental

Date of Analysis: May 14, 2009

Type of Item: Waiving Conflict of Interest; Lobbying Contract

Sponsor: Commissioner Sally A. Heyman

Summary

This resolution would grant a conflict-of-interest waiver to the law firm of Greenberg Traurig, P.A per the firm's request.

Greenberg Traurig, which currently serves as one of as the County's federal lobbyist, is requesting the Board of County Commissioners (BCC) to waive the provisions of the lobbying contract which incorporates County-enacted policy prohibiting County lobbyists from representing any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County. In this instance, the law firm represents clients who are defendants in enforcement actions brought by DERM (Department of Environmental Resources Management) against the firms' clients. Therefore, the firm is seeking a conflict waiver which would allow the firm to concurrently represent clients whose interest are adverse to the County and to maintain representation of the County as a lobbyist.

Background and Relevant Legislation

On February 6, 2006, the BCC approved an agreement with Greenberg Traurig, P.A. for governmental representation before the legislative and executive branches of federal government located in Washington, D.C. The agreement requires the firm, as a County lobbyist, to comply with the provisions of the County's Conflict-of-Interest ordinances and resolutions. The agreement also provides that the BCC, in its discretion, may take any action regarding a waiver request, including but not limited to the following: (i) grant a waiver and allow the Lobbyist, to continue to represent both the County and the other party; (ii) refuse to grant a waiver and require the Lobbyist to choose between representing the County or the other party, or to discontinue representing the other party; (iii) refuse to grant a waiver and void its contract with the Lobbyist; (iv) grant a limited waiver and allow the Lobbyist to continue to represent both the County and the other party under whatever limitations or restrictions the County, in its discretion, determines to be appropriate.

Greenberg Traurig has submitted a request for a waiver of conflict regarding representation of a number of clients by the law firm who are defendants in the following DERM enforcement litigation captioned as:

- Miami-Dade County v. Arnold Diaz
- Miami-Dade County v. Pedro Amador, Dade Machine Works, Inc. and Manada Corp.
- Miami-Dade County v. Annex Industrial Park, LLC
- Miami-Dade County v. Ford Midway Mall Real Estate Associates.

Policy Change and Implication

Granting a waiver in accordance with the waiver criteria noted above would be consistent with prior action taken by the BCC. Below is a list of such instances in which the BCC consider and/or granted a waiver of the conflict-of-interest proscriptions.

3/3/2003	Conflict Waiver Requests By Tallahassee Contract Lobbyist	R-249-03
3/10/2003	Conflict Waiver Requests By Tallahassee Contract Lobbyist	Presented / Withdrawn
4/3/2003	Conflict Waiver Requests By Tallahassee Contract Lobbyist	R-366-03
4/12/2004	Conflict Waiver Requests By Tallahassee Contract Lobbyist	Tabled
3/1/2007	Conflict of Interest Waiver for State Contract Lobbyist	R-458-07

Budgetary Impact

There will be little if any budgetary impact if the proposed waiver resolution is passed.

Prepared By: Lauren Young-Allen

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 3A

File Number: 091345

Committee(s) of Reference: Health, Public Safety and Intergovernmental Committee

Date of Analysis: May 14, 2009

Type of Item: Memorandum of Understanding

Summary

This resolution approves a Memorandum of Understanding (MOU) with the Corrections and Rehabilitation Department's Food Services Bureau (FSB). The MOU is from October 1, 2008, until September 30, 2011, a three-year period, and can be extended by mutual consent of the parties for up to two one-year periods.

Background and Relevant Legislation

Gainsharing is defined as a system of rewarding groups of employees who work together to improve performance through use of labor, capital, materials and energy. In return for meeting established target performance levels, the employees receive shares of the resulting savings from performance gains, usually in the form of a cash bonus.

According to the County's June 14, 2004, Workshop Presentation on Employee Gainsharing, more than \$26 million has been saved since 1998. Gainsharing is self-financing, and since its inception in 1998, \$6.3 million in employee bonuses have been awarded.

Miami-Dade County Gainsharing Facts June 14, 2004 Workshop Presentation				
Gainsharing Summary	Corrections & Rehabilitation - Food Services	Park & Recreation - Marinas	Water & Sewer - Departmentwide	Total
Savings/Increased Revenue	\$3,342,531	\$2,107,013	\$20,700,000	\$26,149,544
Gainsharing Distribution	\$874,011	\$231,740	\$5,205,000	\$6,310,751

Department Special Use / General Fund	\$2,468,520	\$1,875,273	\$15,495,000	\$19,838,793
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History of FSB

- July 21, 1998 – The Board of County Commissioners (BCC) approved the original FSB agreement under Resolution No. 942-98. The financial goal was to reduce cost per meal. The MOU required that FSB provide inmate meals at a price competitive with private industry bids. Under this agreement, the County experienced \$3.5 million in savings, with 25% used for employee gainsharing and the remainder to support the General Fund.
- March 11, 2003 – The BCC retroactively approved (from October 1, 2002) the 2nd FSB agreement under Resolution No. 232-03. For FY 2002-03, the target cost per meal, per inmate was \$1.07.
- September 2, 2008 – The BCC approved a one year extension to the MOU under Resolution No. 918-08. FSB employees were eligible to receive gainsharing bonuses up to \$5,000 if they could decrease the cost per meal, per inmate to \$1.24. This cost corresponded to the previous FY target of \$1.24.

For FY 2007-08, the actual cost per meal, per inmate was \$1.21, approximately 2% less than the MOU budget objective of \$1.24 per meal. Total savings were \$249,707. Of this amount, \$62,487 was distributed to 53 eligible employees in the form of gainsharing bonuses, averaging \$1,178 per employee. In addition, \$64,487 was deposited in the MOU Special Purpose Account for otherwise unbudgeted equipment, facility improvements and/or employee development (Office of the Strategic Business Management memo dated January 29, 2009).

Policy Change and Implication

This item presents a new model in calculating the target cost per meal that allows for the continued reduction in the average cost per meal over time. As an incentive for FSB employees to receive gainsharing distributions, the average cost per meal has to be lower than net historical levels. For FY 2008-09, the cost per meal, per inmate is \$1.316.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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Legislative Notes

Agenda Item: 3B
File Number: 091398
Committee(s) of Reference: Health, Public Safety & Intergovernmental
Date of Analysis: May 14, 2009
Type of Item: Reallocation of Surplus Bond Funds
Sponsor/ Requester: Miami-Dade Fire Rescue Department
Commission Districts: 6, 12

Summary

Under the proposed resolution, the County's Fire Rescue Department is seeking to reallocate unspent excess capital funds derived from certain Special Obligation Bonds and a Sunshine Loan to fund: (1) the construction of the Doral North Fire Station 69, (2) the construction of a new fleet facility, and (3) the expansion of the West Miami Fire Station 40.

Specifically, the Department is seeking to reallocate

- \$600,000 from the Miami-Dade County Florida Capital Asset Acquisition Fixed Rate Special Obligation Bonds (Series 2002A) for the construction of the Doral North Fire Station 69;
- \$2.3 million from the Miami-Dade County Florida Capital Asset Acquisition Floating Rate Special Obligation Bonds (Series 2004A) for the construction of the Doral North Fire Station 69; and
- \$7.1 million from the 2006 Sunshine Loan of which \$607,500 will be used to finance the construction of a new fleet facility and \$1.5 million for the expansion of the West Miami Fire Station 40.

The excess funds stem from projects coming under budget, earnings from interest, and an alternative fleet replacement strategy.

Background and Relevant Legislation

Doral North Fire Rescue Station #69

Under R-1076-07, the County acquired a 1.634 acre site for the construction of the Doral North Fire Rescue Station #69. The development plan for the Doral North Fire Rescue Station includes a 10,000 square foot, three bay CBS structure, designed to accommodate up to twelve firefighter/paramedics, and designed to operate 24 hours a day, 7 days a week. The station will be equipped with an advanced

life support and suppression unit that will respond to fire and medical emergencies. The construction of the fire station is currently in the permitting phase. It is projected to be completed by the end of 2009.

West Miami Fire Station #40

Under R-334-08, the County acquired from the City of West Miami, the West Miami Fire Rescue Station #40 located at 975 S.W. 62 Avenue for \$284,750. Fire Rescue Station #40 is currently operating and equipped with a Rescue Unit and an Advanced Life Support Suppression Unit (ALS) consisting of 7 firefighter/paramedics, operating 24 hours a day, 7 days a week. Funding for acquisition was provided from Fire Rescue Impact Fees collected in the fire district. The station, however, lacks sufficient living quarters for the crew. MDRF proposes to construct an addition to the fire station on the adjoining property located at 6181 S.W. 10 Street, for which the BCC approved a Contract for Sale and Purchase on March 4, 2008. The new addition will consist of dormitory space, restrooms, storage, and other ancillary uses.

New Fleet Facility

MDRF currently maintains all heavy fleet vehicles while GSA maintains light and medium duty vehicles. MDRF has proposed constructing a new fleet facility on existing County land next to the fire department logistics building. The new facility will provide space for all of MDRF vehicle maintenance functions.

Policy Implications

The Administration is recommending that surplus bond funds and loan proceeds that are in excess of the costs originally calculated for designated planned stations, facilities or equipment be redirected to the above-noted pending fire-rescue capital projects. While the proposed use of surplus funds qualifies under the general categories of authorized bond projects, it overlooks certain other capital obligations that will require future payments. For instance, the costs of the reserve funds, cost of bond insurance and debt service (and loan repayment) are expressly specified in the original bond enactments as capital obligations in which bond proceeds are to be allocated in addition to the named capital projects.

In addition, the fire department, as an enterprise department, has expenses which fluctuate with consumer demand. In the 2008 Fire Financial Status & Forecast Report, in which the Administration analyzed the fiscal challenges of MDRF and its capital programs, it was reported that several high property value municipalities are seeking to opt out of the regional fire rescue district. The Administration noted that this may result in potential future operating revenue shortfalls and have a spillover effect into other areas. Based on the Administration's report, the pending budgetary proposal may not necessarily address prospective financing needs such as the projection of declining revenues.

Prepared By: Lauren Young-Allen

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 3C

File Number: 091405

Committee(s) of Reference: Health, Public Safety and Intergovernmental Committee

Date of Analysis: May 14, 2009

Type of Item: Expenditure of Law Enforcement Trust Funds

Summary

This resolution authorizes the annual expenditure of Law Enforcement Trust Funds (LETF) for Miami-Dade Police Department Crime Prevention Programs, granting Miami-Dade Police Department (MDPD) the authority to expend such funds each fiscal year unless this authority is revoked by the Board of County Commissioners (BCC).

Background and Relevant Legislation

Currently, MDPD provides an annual report to the BCC requesting the use of LETF funds for expenditures towards community crime prevention programs.

LETF funds are derived from the proceeds of the sale of law enforcement-related seizures of money and property with allowable uses determined by state and federal laws and regulations. **The LETF must be used for law enforcement purposes which are not budgeted, such as settling costs for investigations; purchasing technical equipment and/or expertise; providing matching funds for grant programs; or other law enforcement purposes.**

For FY 2008-09, the estimated total for the asset sharing expenditures was \$1,726,755 and included the following projects:

- Intergovernmental Bureau Community Service Program - \$71,542
- Media Relation Bureau - \$104,000
- Professional Compliance Bureau Network Security - \$44,000
- Intergovernmental Bureau - \$150,000
- Information Technology Services Bureau - \$133,747
- Information Technology Services Bureau Enhancement \$300,000
- Special Patrol Bureau Special Response Team - \$70,000
- Community Affairs Bureau County wide Gun Bounty Program - \$300,000
- Property and Evidence Bureau - \$30,000

- Robbery and Special Patrol Bureau - \$167,878
- Robbery Bureau - \$225,588
- Sexual Crimes Bureau - \$60,000
- Narcotics Bureau - \$70,000

Comments

The Manager's memo states that these funds are for the support or operation of **community crime prevention programs** to comply with statutory requirements. However, Florida Statutes do not mention community crime prevention programs, but only crime prevention programs along with other programs.

Florida Statutes, Chapter 932.7055 (5) (c) (3) states that, "...any local law enforcement that acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any **drug treatment, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s)**. The local law enforcement agency has the discretion to determine which program(s) will receive the designated proceeds."

According to MDPD, in November 2008, the balance of the LETF was approximately \$3.4 million.

Prepared by: Elizabeth N. Owens