



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis
Health, Public Safety and Intergovernmental
Committee

March 12, 2009

2:00 P.M.

Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

Health, Public Safety & Intergovernmental Committee
Agenda Notes
March 12, 2009

Item No.	Subject Matter	Background	Analysis / Comments / Questions
3(A)	Establish a Deposit Only Account Associated with the Alternative Incarceration Trust Account	<p>This resolution establishes a deposit only account in association with the Miami-Dade County Corrections and Rehabilitation Department (MDCR) Alternative Incarceration Trust Account. It authorizes MDCR to establish a deposit only account at Wachovia Bank.</p> <p>Alternative Incarceration Programs include House Arrest Program, Boot Camp Program and Weekender Program.</p> <p>Background MDCR is responsible for the supervision of inmates who have been permitted to participate in Alternative Incarceration programs.</p> <p>Currently, program participation fees are received by MDCR staff from program participants and are subsequently deposited in the Miami-Dade County Alternative Incarceration Trust Account at Wachovia Bank in Miami, Florida. These fees help defray the MDCR costs of administering the respective programs and may include percentages of their income, flat fees and can ultimately be waived by a judge for those participants that cannot pay or have lost their job.</p> <p>This item modifies the collection process to require program participants or their families to go to any Wachovia Bank branch to deposit the participation fees into the newly established deposit only account themselves.</p> <p>In order to avoid any opportunity for inappropriate actions by program participants, deposits will be made directly to the deposit only account and then automatically transferred to the MDCR Alternative Incarceration Trust Account each business day, maintaining a zero balance in the deposit only account.</p> <p>MDCR staff consulted with bank representatives and the Finance Department and it was recommended that MDCR establish this new zero balance deposit only account.</p>	
3(B) 3(C)	Lease Agreement and Assignment of Lease	<p>District 2 and 12</p> <p>These two resolutions authorize the execution of Lease Agreements and Assignments for the State of Florida Department of Health.</p>	

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		<p>Item 3(B)</p> <p>Commission District: 12</p> <p>Owner: AOA Flexx, LLC: By Adler Office Associates Ltd. And Alder Office Associates, Inc.</p> <p>Total rental rate: \$90,591.95 (First year). This amount includes direct and indirect expenses. The annual rent for years two through five increases by 4 %. The annual rent amount does not include the direct and indirect expenses.</p> <p>Funding: The lease is budgeted by the State of Florida.</p> <p>Location: 2246, 2264, 2266 and 2268 N.W. 82 Avenue, Building 5202</p> <p>Square Footage: 6,800</p> <p>Square Footage Rate: \$11.00</p> <p>Use: Office and warehouse space</p> <p>Term: 5 years with 2 additional 3-year option periods</p> <p>Comments: No record of negative performance. The landlord is completing the improvements specified under Article XXIII of the agreement.</p> <p>Item 3(C)</p> <p>Commission District: 2</p> <p>Owner: 7900 N.W. Avenue LLC</p> <p>Total rental rate: \$59,708.69 (First year). This amount includes direct and indirect expenses. The annual rent for years two through five increases by 3 %. The annual rent amount does not include the direct and indirect expenses.</p> <p>Funding: The lease is budgeted by the State of Florida.</p> <p>Location: Northside Shopping Center, 7900 N.W. 27 Avenue</p>	

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		<p>Square Footage: 3,090</p> <p>Square Footage Rate: \$18.58</p> <p>Use: Office space for Women Infant Children Program (WIC)</p> <p>Term: 5 years with 1 additional five-year option periods</p> <p>Comments: No record of negative performance. The WIC will be located inside a shopping center along 27th Avenue. A property located at 2300 N.W. 89 Place proposed \$15.00 per square feet. This property is approximately 7.0 miles from the Northside Shopping Center.</p>	
3(D)	Resolution Authorizing the Miami-Dade Fire Rescue Department to Act as General Contractor	<p>This resolution authorizes the Miami-Dade Fire Department (MDFR) to act as the general contractor and solicit bids from County approved trade contractors to complete construction of new fire facilities and replacement, renovation, or additions to existing fire facilities.</p> <ul style="list-style-type: none"> • MDFR will use licensed general contractors, architects and tradespersons that are currently employed by the department to solicit bids for various subcontractors; • The MDFR, the Office of Strategic Business Management, and the Office of Capital Improvements will provide oversight; • The projects include 8 fire stations to be constructed and the replacement of 3 fire stations; • All of the projects listed are currently funded and included within the approved FY 2008-09 MDFR capital budget; • Only eligible contractors under the CICC 7040 program will be awarded projects. They must be certified in the Community Small Business Enterprise program; and • The program is expected to reduce overall construction expenditures. <p>The following questions were posed to the MDFR:</p> <ul style="list-style-type: none"> • How much does MDFR expect to save if this program is implemented? • Have other County departments implemented similar programs? 	

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		<ul style="list-style-type: none"> Please explain why are contractors under the CICC 7360 program excluded from the award process? 	
3(E)	Mutual Aid Agreements, Sheriffs of Florida	<p>This resolution authorizes the execution of two law enforcement mutual aid agreements (Agreements) between Miami-Dade County and the Florida Sheriff’s Association.</p> <p>The Agreements ensure for mutual aid services in the event it is necessary for the public safety of our community or for Miami-Dade Police Department (MDPD) to assist other counties in Florida upon request.</p> <p>They will be effective upon execution and will expire on April 1, 2012.</p> <p>Agreement #1 The Florida Sheriffs’ disaster Assistance Mutual Aid Agreement provides for MDPD to render or request assistance in the event of a Catastrophic Disaster or a Major Disaster, as defined in § 252.34(1), Florida Statutes.</p> <p>Agreement #2 The Florida Sheriffs’ Combined Operation Assistance and Voluntary Cooperation Mutual Aid Agreement.</p> <p>The Operational Assistance provision provides for disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, concerts, parades, escapes from detention facilities, and incidents requiring utilization of specialized units.</p> <p><u>An example of Operational Assistance would be the following:</u></p> <ul style="list-style-type: none"> A request for assistance due to a civil disturbance. <p>The Voluntary Cooperation provision provides for MDPD to render or request law enforcement assistance with any violations of Florida Statutes to include, but not limited to, vehicle thefts, and inter-agency task forces and/or joint investigations.</p>	<p>Florida Mutual Aid Act (Act) (Florida Statutes, Chapter 23, Part 1)</p> <p>This statute specified procedures allowing a law enforcement agency to enter into a mutual aid agreement with another law enforcement agency. The Act recognized the existing and continuing possibility of the occurrence of natural and manmade disasters or emergencies and other major law enforcement problems, including those that cross jurisdictional lines.</p> <p>The Act defines a mutual aid agreement as:</p> <ul style="list-style-type: none"> A voluntary cooperative written agreement between two or more law enforcement agencies, which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines; A requested operational assistance written agreement between two or more law enforcement agencies, which agreement is for the rendering of assistance in a law enforcement emergency; or A combination of these agreements.

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		<p><u>Examples of Voluntary Cooperation would be the following:</u></p> <ul style="list-style-type: none"> • Establishing a joint city-county task force on narcotics smuggling; • Authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property; or • Establishing a joint city-county traffic enforcement task force. 	
3(F)	Alternate Resolution Approving Amendments to the Bylaws of the Public Health Trust	<p>This resolution approves amendments to the Bylaws of the Public Health Trust (PHT). The Board of County Commissioners (BCC) last approved amendments to the PHT Bylaws on April, 2004. The Executive Committee of the PHT met on May 27, 2008 to approve the modifications to the Bylaws.</p> <p>On September 11, 2008, the original item came before the Health and Public Safety Committee (HPSC). The committee members addressed several concerns and the alternate item addresses these issues.</p> <p>The alternate provides for the following;</p> <ul style="list-style-type: none"> • The Employee Salaries and Benefits section will remain as a power and duty under Article IV, Section 2(j) 2, Personnel Matters as a power and duty of the Board of Trustees and will not be moved to the section in the Bylaws for Power and Duties of the President. • Adds a reference to Section 2-11.3 of the Code of Miami-Dade County relating to the automatic suspension of a Trustee who is charged with a felony. Chapter 25A provides in 25A-3(b) that Trustees serve without compensation. They are only entitled to be reimbursed for expenses related to Trust business. If suspended, the Trustee would not be entitled to expense reimbursement. • Conflict of Interest and Attendance respectively have provisions regarding attendance and applicability of the Code of Ethics to Trustee. The alternate remains unchanged. • Renames the External Audit Subcommittee as the Audit and Compliance Subcommittee expanding its responsibilities to include not only oversight of external and internal audit functions but also regulatory compliance. <p>Comments HPSC members also addressed issues regarding that two voting Commissioners be added as Executive Committee members and the Director of the Office of Countywide Healthcare Planning (OCHP) be included as an ex-officio non-voting member of the PHT. The Board of County Commissioners adopted Ordinance 05-85 and Ordinance 05-216 which</p>	

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		<p>addressed the concerns mentioned above.</p> <p>The PHT has not amended the Bylaws to reflect the adoption of Ordinances 05-85 and 05-216.</p>	
7(A)	Sunset Review of the Independent Review Panel	<p>This report provides the 2009 Sunset Review of the Independent Review Panel (Panel). The mission of the Panel is to provide external fact-finding and dispute-resolution, and citizen oversight of law enforcement utilizing an impartial review panel to conduct independent review concerning complaints made against an employee or agency of Miami-Dade County.</p> <p>According to the Chairperson of the Panel, Julia Dawson, Esq., the Panel should continue to function given the community needs an independent, non-adversarial venue in which to resolve conflicts between its citizens and its government.</p>	<p>The operating cost for the Panel, both direct and indirect are:</p> <p>FY 2007 \$574,000 FY 2008 \$630,000</p> <p>Funding Source: County General Fund, ad-valorem taxes</p>