

MEMORANDUM

Agenda Item No. 11(A)(9)

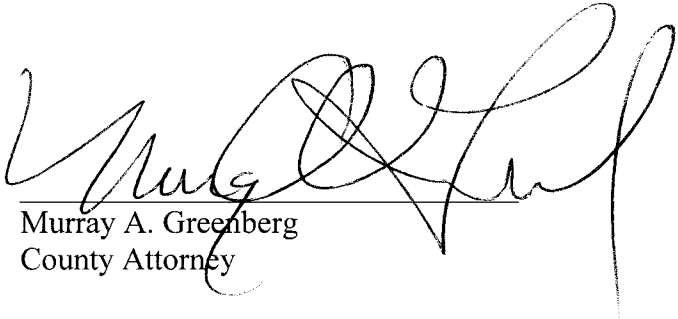
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution adopting
Governmental Structure Task
Force recommendations
regarding sunset review of
County Boards

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.



Murray A. Greenberg
County Attorney


MAG/bw

Memorandum



Date: March 6, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: Honorable Commissioner Dennis C. Moss
Chairperson, Governmental Structure Task Force 

Subject: Governmental Structure Task Force Report on Sunset Review of County Boards

I am pleased to transmit for your consideration the findings and recommendations of the Governmental Structure Task Force (GSTF) with respect to the Sunset Review of County Boards process, and encourage the adoption of the accompanying Resolution directing the Manager to draft corresponding amendments to the Code, to be brought forward through the appropriate Commission Committee. I am also pleased to note that a number of administrative improvements, spearheaded primarily by the Office of the Clerk of the Board, are already in progress. Most of these improvements are designed to address challenges in filling board vacancies.

The Task Force was created in 2004 through a Resolution sponsored by former Chairman Joe A. Martinez as a response to media and community concerns regarding governmental structure and processes in Miami-Dade County. As part of its work analyzing efficient and effective structures of government, and at the request of the Board of County Commissioners (BCC), the Task Force has examined the Sunset Review of County Boards process in depth. Currently, approximately 100 boards and councils exist as auxiliaries to County government; these include governing boards, advisory boards, and quasi-judicial boards, among other types. Roughly 70 of these boards are subject to the County's Sunset Review process, under which the boards transmit a Sunset Review report to the BCC every two years.

It has become apparent that the current process, which is essentially a system of *self-reporting* by boards, may not be robust enough to identify boards which no longer fully serve their intended purposes. This was reflected in the Commission Auditor's March 2006 Review of Boards and Councils and was a recurring theme at Task Force meetings. As you know, advisory boards serve at the discretion of the BCC, as only the BCC has the authority to create or terminate boards. As such, establishing a Sunset process that is effective, but that properly reflects the overall intent of the BCC in creating a board, remains a challenge.

Nonetheless, the Task Force has developed a series of recommended legislative changes to improve the Sunset Review process. The recommendations are summarized in the attached report, which was endorsed by the GSTF at its December 4, 2006 Workshop. These include the establishment of true sunset provisions, under which boards would automatically terminate under certain conditions absent reauthorization by the BCC; revised reporting requirements, including a mechanism for independent review of boards in some circumstances; and a number of procedural improvements.

Additionally, I am pleased to note a number of administrative improvements designed to improve the process by which vacancies are filled, including the online board member application system being developed by the Clerk of the Board. The County Manager will continue to support Board staff in the fulfillment of their official duties; additionally, to facilitate enhanced coordination of Board administrative functions, the GSTF recommends the designation of a County Boards liaison in the Office of the Chair.

Finally, in discussions at the December 4 GSTF workshop, Commissioners expressed an interest in promoting more sustained dialogue with advisory boards. Accordingly, the Task Force suggests that

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
Page 2

the BCC explore options for enhancing communications with these boards, potentially by regular reporting through the BCC committee structure.

The attached report has the full endorsement of the GSTF, and I look forward to feedback from my fellow Commissioners. I would like to thank Commissioners Heyman, Seijas and Sosa for their valuable contributions as members of the Task Force, as well as staff (especially the Commission Auditor and the Clerk of the Board) for their efforts.

Attachment

**Miami-Dade County
Government Structure Task Force**

***County Advisory Boards and the
Sunset Review Process:
Findings and Recommendations
of the GSTF***



Contents

1. Background & Progress to Date ... 3
2. Overview of County Advisory Boards ... 5
3. Overview of the Current Sunset Review Process ... 6
4. Issues for Consideration ... 7
5. Legislative Alternatives ... 11
6. Administrative Improvements and Recommendations ... 15

Background & Progress to Date

- GSTF was requested by the BCC to examine the Boards process.
- The Commission Auditor's final report on boards and councils was issued March 31, 2006.
- Issues and Suggestions for Improvement were presented at the April 2006 GSTF; a discussion of the role of the Clerk of the Board took place at the September 2006 GSTF meeting.
- Staff met with County Attorney's Office, Commission Auditor, and Clerk of the Board to discuss potential improvements.
- An initial review of current advisory Boards did not identify duplicative Boards.

6

Background & Progress to Date

cont.

- The GSTF endorsed the recommendations included in this report at its December 4, 2006 meeting; based on the direction of the BCC, staff is available to draft amendments with input from the Office of the County Attorney.
- A number of administrative improvements, spearheaded by the Office of the Clerk of the Board, are currently in progress.

Overview of County Advisory Boards

- BCC establishes boards by resolution or ordinance
- Currently, there are 113 County boards. 92 boards operate pursuant to BCC mandate, 21 County boards operate pursuant to state or federal mandates
- Board types include:

Advisory	Canvassing
Community Council	Governing
Municipal Advisory Council	Nominating Committee
	Quasi-Judicial

- Boards established through ordinance are required to submit biennial Sunset Review Reports



Overview of the Current Sunset Review Process:

- The process is governed by Section 2-11.40 of the County Code.
- The purpose of the Sunset Review Process is to ensure boards serve the purposes for which they were created.
- Sunset Review Reports are primarily board self-assessments: they are prepared by staff; approved by Board and transmitted to County Manager by Chairperson.
- Reports are reviewed by OSBM as to form and sufficiency and are transmitted to the appropriate BCC Committee by County Manager.
- The BCC reviews each Sunset Review Report and determines the future status of each board.
- Boards operating pursuant to federal or state laws are exempt from Sunset Review reporting.

Issues for Consideration

- Effectiveness of Sunset Review process
- Reporting requirements
- Vacancy and quorum difficulties

Issues: Effectiveness of the Sunset Review Process

- The Sunset Review report is a self-assessment.
- There is currently no mechanism for a more independent, in-depth review.
- The current process is not a “true” sunset review process: nationally, entities subject to sunset review usually have termination dates in their authorizing statutes; legislative action must be taken to reauthorize them.

Issues: Reporting Requirements

- Only rudimentary expense information is required.
- All Boards are required to establish and track performance measures; however, advisory boards do not typically have direct control over measurable performance outcomes. Broad statements of purpose and goals may be more appropriate for certain boards.
- Boards are required to submit an Annual Report to the BCC in addition to the biennial Sunset Review Report, generating duplicative administrative work.

Issues: Vacancy and Quorum Difficulties

- Some boards have high vacancy rates.
- Some boards do not adequately advertise vacancies in accordance with legislative requirements.
- Some boards have experienced difficulty achieving quorum. In many cases this is a result of vacancy issues.

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Recommended Legislative Alternatives

**The Task Force recommendations
encompass three broad areas:**

- **Sunset Provisions;**
- **Reporting Requirements; and**
- **Procedural Items**

Legislative Alternatives: Sunset Provisions

- Existing Boards:
 - Impose universal sunset date (5 years). Board continuation past this date would require reauthorization by the BCC. Specific boards (such as governing boards) could be exempted as appropriate.
 - Eliminate currently inactive Boards that have not met in 12 months (except Boards that exist pursuant to federal or state mandate, or that convene on an as needed basis)
- Future Boards:
 - Require sunset date in Board ordinance (5 year maximum). Board continuation past this date would require reauthorization by the BCC. Specific boards could be exempted as appropriate.
- All Boards
 - Automatic sunset following 1 year of inactivity. Specific boards could be exempted as appropriate.

Legislative Alternatives: Reporting Requirements

- **Impose additional financial reporting requirements for:**
 - a. Fiduciary Boards
 - b. Boards meeting threshold annual budget amount (such as \$100,000)
- **Triggers for in depth review based on:**
 - a. Low quorum achievement rate
 - b. High vacancy rate
 - c. Request by BCC subcommittee
 - d. Discretion of Commission Auditor
- **Provide greater flexibility in evaluating Board performance**
 - a. Permit use of goals for advisory boards

 **MIAMI-DADE COUNTY**
Continue to require measurable performance objectives for fiduciary Boards

Legislative Alternatives: Procedural Items

- Allow Sunset Review Report to serve as Annual Report for the year in which it is submitted
- Realign reporting deadlines with current committee structure or eliminate committee review requirement
- Consider moving reporting deadline from spring to November/December
- Post board vacancies online in lieu of the current biannual advertisement requirement

Administrative Improvements and Recommendations:

- Boards requiring performance measures should ensure that such measures are clearly articulated and reflect the stated purpose of the Board.
- The Clerk of the Board is in the process of developing an online application system for Board members and has offered to centrally advertise all Board vacancies in accordance with legislative requirements. Staff should coordinate with the Clerk to ensure compliance with these requirements.
- The Clerk of the Board has held a meeting of all board secretaries to review board roles and responsibilities; the County Manager will continue to support Board staff in the fulfillment of their duties.
- The Commission on Ethics should continue to ensure that all Board members are provided ethics training as required by County legislation.
- The GSTF recommends the designation of a County Boards Liaison in the Office of the Chair.
- The GSTF suggests that the BCC explore options for enhancing communications with advisory boards, potentially by regular reporting through the BCC committee structure.

Attachments:

- Commissioner Auditor March 31, 2006 Review of
Boards and Councils
- Section 2-11.40 of the Code of Miami-Dade County

19





MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
3-6-07

RESOLUTION NO. _____

RESOLUTION ADOPTING GOVERNMENTAL STRUCTURE
TASK FORCE RECOMMENDATIONS REGARDING THE
SUNSET REVIEW PROCESS OF ADVISORY BOARDS AND
DIRECTING THE COUNTY MANAGER, IN CONSULTATION
WITH THE COUNTY ATTORNEY, TO DRAFT
AMENDMENTS TO THE CODE INCORPORATING TASK
FORCE'S RECOMMENDATIONS PERTAINING TO COUNTY
BOARDS

WHEREAS, the Governmental Structure Task Force ("GSTF") was created by this Board to evaluate the effectiveness and efficiencies of various components of local governments in general and Miami-Dade County in particular and to make appropriate recommendations; and

WHEREAS, the Task Force's analysis included evaluation of the sunset review process of approximately 70 County boards that exist as auxiliaries to County government; and

WHEREAS, the GSTF recommends legislative changes to improve the sunset review process of County boards all as more specifically outlined in the accompanying memorandum and attachments,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager, in consultation with the County Attorney, to draft amendments to the Code of Miami-Dade County incorporating GSTF recommendations regarding the sunset review process of County boards as set forth in the accompanying memorandum and attachments and incorporated herein by reference.

The foregoing resolution was sponsored by Commissioner Dennis C. Moss and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Abigail Price-Williams