

MEMORANDUM

Agenda Item No. 11(A)(10)

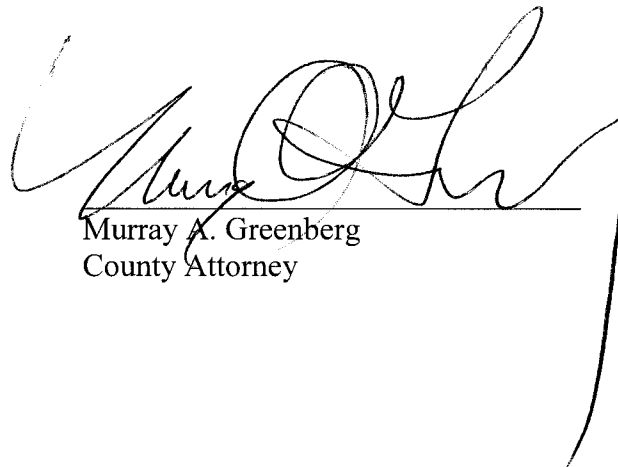
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution adopting
Governmental Structure Task
Force recommendations
regarding Community
Periodical Advertising
Program

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

A handwritten signature in black ink, appearing to read "Dennis C. Moss", written over the printed name in the "From:" field.

Subject: Governmental Structure Task Force on Recommendations Regarding Miami-Dade
County's Community Periodical Advertising Program

I am pleased to submit for your consideration the attached recommendations by the Governmental Structure Task Force (GSTF) in regards to the Miami-Dade County Community Periodical Advertising Program (CPP). The attached report contains recommendations to establish new standards and guidelines for participating publications. A chart that compares the current governing criteria to the recommendations has also been included. I encourage the Board to bring forward a request for an administrative order for appropriate action by the County Manager.

As part of the GSTF's work in analyzing various County government programs, the Task Force requested the Communications Department undertake a review of the CPP. The Task Force also asked that the Communications Department staff obtain input from all community periodical publishers on the proposed new standards and guidelines for participation in the CPP. Reports on these efforts have been provided to the GSTF for review. Although it is difficult to reach a complete consensus among all the periodical publishers, it is staff's belief that the proposed changes are generally supported by most of the participants.

The CPP is currently administered through Resolution No. R-678-98, which was enacted in 1998. Essentially the resolution appropriated \$850,000 to be used specifically for advertising in all community periodicals in the program each fiscal year. In 2000, the amount for advertising for each fiscal year increased to \$1,050,000 through the budget process. In 1998, the CPP was initiated with approximately 50 participants. Currently there are 65 periodicals participating in the CPP. Advertising is primarily supported by the General Fund in the amount of \$610,000 annually. The balance of \$440,000 is funded by County proprietary departments.

I look forward to your feedback on this issue. I would like to thank Commissioners Heyman, Seijas and Sosa for their valuable contributions as members of the Task Force, as well as staff for all their efforts regarding this matter.

cc: George M. Burgess, County Manager
Assistant County Managers

Attachment

Governmental Structure Task Force Report on Recommendations Regarding Miami-Dade County's Community Periodical Advertising Program

This report was developed by the Communications Department as mandated by the Governmental Structure Task Force. It includes several recommendations initially conceived when an analysis of the Community Periodical Program was requested through Resolution No. R-1197-05 sponsored by Commissioners Souto, Sosa and former Vice-Chairman Moss. This list of recommendations to improve the criteria that currently governs the Community Periodical Advertising Program was further developed and finalized when the Governmental Structure Task Force requested a thorough review of recommendations be conducted with all the Program participants.

I. New Governance:

A Resolution establishing an Administrative Order to create new criteria for the Miami-Dade County Periodical Advertising Program shall be developed. The following list of new criteria shall be included in the administrative which shall supersede all other resolutions governing the Community Periodical Program.

1. Applications:

The owner/publisher of the periodical must sign affidavits, as part of the application forms, stating that the participant meets all of the minimum qualifications as stated herein and that all the information provided by the participant is correct. It is the sole responsibility of each program participant to immediately report to the Miami-Dade County Communications Department any change in circulation, distribution, ownership, format / look, or other material facts that could alter eligibility criteria in writing.

2. Qualifications:

For purposes of this program, a community periodical is defined as a magazine or a newspaper that provides news and information to one of the cultural, ethnic or geographic communities within Miami-Dade County and that contains local news, articles of interest to the general public and advertising; and is available to the general public.

To qualify a periodical must meet the following minimum requirements:

- a. 5,000 minimum copies per edition: A minimum of 5,000 copies per edition must be circulated within Miami-Dade County. Each edition must contain at least 8 pages.
- b. Publication dates schedule: The periodical must provide Miami-Dade County Communications Department (heretofore known as Communications Department) with a comprehensive schedule of publication dates and deadlines. The periodical must clearly commit to a publication frequency for the 12-month fiscal year. The Communications Department will place

- advertisements based on this publication schedule/calendar submitted at application time. This schedule must be accurate and strictly adhered to. County advertisement insertion orders that are not complied with, by periodicals failing to maintain a committed publication frequency, will lead to non-payment of advertisement. Should you decide to change your frequency after the program has begun, you must notify the Communications Department in writing at least one month (30 days) prior to the effective date of change.
- c. **Distribution:** A periodical must provide to the Communications Department the location and addresses of at least 10 different sites throughout the community where the periodical is distributed, maintained and replenished on a regular basis. Participants that have subscriptions and mail the periodical directly to at least 5,000 subscribers can, in lieu of giving their addresses, list the areas by zip code or geographic area. Also, periodicals shall be able to provide a list of BCC districts in which they primarily circulate as well as other demographic data pertinent to an advertiser placing ads. They should also state their reading audience make-up.
 - d. **Printer's Receipts / Cancelled checks:** The periodical must provide the Communications Department with printer's receipts and cancelled checks for each edition that was printed the entire previous fiscal year, beginning October 1st of the last year to September 30th of the current year. Said receipts shall help prove that the periodical has published on a consistent basis in accordance with the frequency of publication, i.e., biweekly, monthly, or weekly, stipulated on the affidavits provided. A periodical that is NEW to the program shall provide printers' receipts and corresponding cancelled checks for the previous THREE (3) years prior to the current fiscal year for which application is submitted.
 - e. **Headquarters / Occupational License:** The community periodical's business and/or home office must be geographically located in Miami-Dade County. Post Office Boxes do not qualify as an address. The following points shall constitute proof of headquarter in Miami-Dade County: a) a main office in Miami-Dade County. b) A satellite office in Miami-Dade County to focus on Miami-Dade County news; and/or c) the publisher/director of the paper works out of his/her home located in Miami-Dade County and has no office in Miami-Dade County. The periodical must provide to the Communications Department a copy of their valid occupational license from Miami-Dade County for the forthcoming fiscal year.
 - f. **Vendor registration:** The periodical must be registered as a Miami Dade County vendor with the Department of Procurement Management.
 - g. **Rate Structure:** The periodical must provide the Communications Department with its published rate card for its standard advertising rates. The periodical must also provide the County with a price guarantee for at least 365 days.

The County shall establish standard advertisement rate ceilings. To establish standard rates, the following two options should be considered:

- Option 1: The maximum rate charged for a full page ad shall be an average of all the participating periodicals' full page rates. All sizes of ads shall be divisible by the full page rate. For example: a half-page ad would cost half as much as a full page ad, a quarter-page ad would cost a quarter of the full page rate and so on.
 - Option 2: The standard rate shall be no more than \$75 to \$150 cost per thousand editions printed in a month. All sizes of ads shall be divisible by the full page rate. For example: a half-page ad would cost half as much as a full page ad, a quarter-page ad would cost a quarter of the full page rate and so on.
- h. Three years old minimum: The periodical must have been published continuously for a minimum of three years prior to the beginning of the funding cycle. Samples to show substantial evidence of publication from the prior three years, along with other evidence deemed sufficient by the County, must be forwarded to the Communications Department. Current program participants who meet all the requirements outlined in this section and who have continuously published their periodicals since joining the program will be grandfathered into the new program.
- i. Contact information: All participants must have a working phone, fax and/or permanent address and e-mail accessibility.

3. Policies and Guidelines:

The following points shall constitute minimal guidelines established by the Communications Department to determine the way in which periodicals shall be considered when determining which newspapers shall get ads and participate in this Program.

Ad Placement: The Communications Department shall follow the periodical's publication calendar which is submitted at application time. All publication schedules must be accurate so that ads are published on timely and appropriate bases, especially time-sensitive ads such as those for special events. If a periodical decides to change their publication calendar it must give the Communications Department 30 days advanced written notice.

Parameters for ad placement:

- Target audience: some advertisements are meant specifically for persons living in a certain area or for a certain ethnic market
- Message: all ads are placed according to the objectives of the message

Timeliness of publication: the more frequent and consistent the periodical is, charging reasonable rates, the more likely it is to receive advertising
Disruption of publication: A periodical is allowed to disrupt its publication frequency by missing a maximum of 3 editions within one fiscal year. It is necessary that the Communications Department receive written advanced notification of this disruption in frequency. The Communications Department reserves the right to consider previous experience with the periodical's publication frequency in order to determine if further action is warranted such as probation or suspension. See Suspension and Probation section for more details.

Three or more editions not published: Failure to notify that a publication has disrupted its publication frequency up to 3 editions shall result in removal from the program immediately and placed on suspension until the following fiscal year. During the suspension period, the periodical shall publish on a consistent basis.

Four or more editions not published: Failure to notify that publication has disrupted its publication frequency by up to 4 or more editions, regardless of previous status in the Program, will result in immediate removal from the program. Said publication will only be allowed to reapply in the following September, or a complete year after disruption occurred - whichever is later - to commence the following fiscal year. In essence, the periodical would be removed for one year. At that time, the periodical's application must be completely in accordance with minimum requirements stated herein.

4. Suspension and Probation:

Participants not adhering to established guidelines shall be suspended from participating in the program by the Communications Department for six months by issuance of a written statement setting forth the basis for the suspension. Also, suspended periodicals shall be subject to an automatic audit. If this audit finds that said periodical has not published or distributed its paper or been in compliance during the suspension period, it will be terminated from the Miami-Dade County's Community Periodical Advertising Program. If the audit finds the paper has been in circulation and has distributed according to paperwork presented at the time of application into the Program, such participants shall be placed on probation for one year following their suspension, during which they can continue to participate in the program, subject to any conditions imposed by the Communications Department as part of their probation.

If there is another failure by a participant to adhere to the established guidelines while on probation, the participant will be disqualified from the program, without eligibility to re-qualify into the Program, for the following 3 fiscal years.

5. No Rights Conveyed:

Merely qualifying for this program does not entitle a periodical to participate in the program. Nor does the creation of this program give any party a property or other right to participate in this program. The County, through the Communications Department, reserves the right to use its discretion to choose among qualified applicants to ensure a wide distribution of the advertised material to the diverse communities in Miami-Dade County. The exercise of the County's discretion in this regard shall not be subject to appeal.

6. Proof of Publication and Payment:

The periodical shall include the Communications Department in its subscriber or distribution list so as to provide County staff with proof that it is publishing on a timely basis. The periodical will return "tear-sheets" to the Miami-Dade County Communications Department that contains the printed version of the ad along with a complete copy of the edition. Payment will be made following publication of the ad. The Communications Department reserves the right to withhold future advertising to any periodicals based on prior experience demonstrating that ads are not published at the time designated. For example: ads shall be withheld if previous ads are not published according to the insertion order provided, or if not billed on a timely basis so as to prove the ad was published at the time it was ordered to be published. Miami-Dade County will remit payment within forty five (45) days of receipt of the tear sheets and invoices.

7. Retaining Records and Audits:

Each participant must retain one copy of every edition published on file at all times for a minimum of 3 years. All editions must have, at a minimum, the publication month and year, prominently displayed on the masthead, cover, inside cover or other easily viewed location of the periodical. The participant must also retain on file notarized printers' receipts stating the number of pages printed for each edition and the number of actual newspapers or magazines printed. The participant must also retain with each printer's receipt and copy of newspaper, the original canceled check evidencing proof of payment to printer or an official bank copy of the canceled check. These records will be subject to random reviews and random audits by the County or its designee at any time. Other forms of proof of distribution, i.e., agreements with distributors, agreements with stores or malls to have the newspapers displayed or offered at their organizations, or obtaining a professional audit report are all acceptable records that can be retained by publishers to prove minimum qualifications are being met in lieu of printer's receipts.

8. Administrative Costs:

The Communications Department will retain 5 percent of the annual amount budgeted for the Community Periodical Program to help defray any costs associated with auditing the program.

9. Communications Department Role:

The Communications Department will be responsible for monitoring, and placing all Miami Dade County advertising to certified periodical participants in the Community Periodical Advertising Program. The guidelines contained herein shall constitute minimum requirements.

10. Misrepresenting Information:

If at any time the County determines that there is any intent to defraud the County tax payers by presenting false, incorrect or inaccurate information concerning circulation, distribution, publication, printing or other relevant information, all evidence will be forwarded to the Ethics Commission, Inspector General's Office and/or to the State Attorney's Office for investigation and potential criminal prosecution. The participant will be automatically suspended pending the investigation and cannot be re-admitted into the program until the investigation is resolved in favor of the participant.

Any program participant placed on probation for violating any provision of this section will undergo an annual audit to ensure compliance with this resolution, including, at the discretion of the Communications Department, a circulation audit by outside auditing agency to validate printed copies and circulation statistics for a period of three years. Nothing in this section shall preclude the County from requesting a circulation audit whenever it deems appropriate in an effort to protect the program and the County from fraud.

11. Appeals:

Aggrieved community periodicals may appeal the decisions of the Communications Department pursuant to this Resolution by filing a written notice of appeal fully explaining the basis for its appeal and attaching necessary documents, including, if necessary, affidavits with the Communications Department within 20 days of the decision being appealed. At which point the Board of County Commissioners shall conduct a review and issue a written decision within 30 days from the time the appeal is received. Said final decision shall be given to the aggrieved community periodical in writing within 30 days after receipt of written appeal.

Community Periodical Advertising Program Comparison Chart

Item	Current Resolution	New / Recommended Changes
Governance	Resolution # 678-98 Passed 1998	Administrative Order
Recertification (Item 4 of 1998 resolution)	Per item 4 of current governing resolution - a recertification process is in place and seeks to ensure that papers are circulating in the local community.	The recertification process and its tasks will be replaced by audits.
Periodical must include local content	No content requirements	General or local news coverage and content required.
Publication Schedules and Frequencies / Suspension and Probation	There are no requirements regarding a publication's frequency. There are no enforcement criteria stipulated. Periodicals can miss publications and still be in the Program.	Publication schedules and frequencies are defined. New enforceable criteria are defined including how papers can be placed on suspension or probation in order to maintain the integrity of the Program.
Rate Structure	Currently no structure or control over rates	Maximum rates established
Audits	No audit requirements	Periodic random circulation and distribution audits can be conducted and/or required of member papers. Administrative costs would be encumbered and assessed at about 5%.

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

***Community Periodical
Advertising Program***



Background

- The GSTF tasked the Communications Department with a review of the Community Periodical Advertising Program.
- Communications staff met with periodical publishers participating in the current program to obtain their feedback regarding proposed changes.
- Communications staff met with each County Commissioner to obtain their input.
- A report containing a summary of all meetings with community periodical participants was submitted to the GSTF September 18, 2006.

Progress to Date

- A report detailing recommended changes to the program was provided to GSTF on December 4, 2006.
- The GSTF formally endorsed the recommendations but requested staff to revisit the proposed rate structure. This item has been amended and is included in the final report.

Recommended Changes

- Governance
- Recertification Process
- Content of Periodical
- Publication Schedules
- Criteria Enforcement
- Rate Structure

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Governance

- The current program is governed by a resolution passed in 1998.
- A new resolution would direct the County Manager to develop an administrative order to govern the community periodical advertising program.

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Recertification Process

- Current resolution criteria detail a recertification process seeking to ensure that participating periodicals are circulating in the local community.
- Under new recommendations, this process would be replaced by audits.

Content of Periodical

- The current resolution does not establish any requirements regarding the content or information covered in the periodical.
- The new criteria would require any participating periodical to cover local news and information for the community.

Publication Schedules

- Currently there are no requirements regarding a frequency of publication.
- The new criteria establish minimum schedule and frequency requirements.
- All publications must publish at least monthly.

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Criteria Enforcement

- There are no provisions for enforcement stipulated in the current resolution.
- New enforceable criteria are defined, including how periodicals are placed on probation or suspended from the program.
- These measures help maintain the integrity of the program.

Rate Structure

- No set rate structure is currently in place.
- The new criteria would establish maximum rates.



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)(10)

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)(10)
3-6-07

RESOLUTION NO. _____

RESOLUTION ADOPTING GOVERNMENTAL STRUCTURE
TASK FORCE RECOMMENDATIONS REGARDING MIAMI-
DADE COUNTY COMMUNITY PERIODICAL ADVERTISING
PROGRAM AND INSTRUCTING THE COUNTY MANAGER
TO IMPLEMENT THE RECOMMENDATIONS

WHEREAS, the Governmental Structure Task Force (“GSTF”) was created by the Board of County Commissioners 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 an evaluation of the County’s Community Periodical Advertising Program; and

WHEREAS, the GSTF recommends changes to the Community Periodical Advertising Program including, but not limited to, restructuring the program to provide additional governmental information to segments of the community not adequately served by mainstream media and establishing new standards and criteria for participation in the program 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 approves the GSTF’s recommended changes to the County’s Community Periodical Advertising Program, as set forth in the accompanying memorandum and attachments and incorporated herein by reference, and instructs the County Manager to implement said recommendations.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

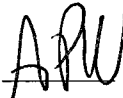
The Chairman thereupon declared the resolution duly passed and adopted this 6th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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