Memorandum

MIAMI-DADE COUNTY

Date: April 30, 2008

EDHS
Agenda Item No. 1D2

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

From: George M. Burgess
County Manager

Subject: Ordinance Amending Miami-Dade County Code Relating to Metro-Miami Action Plan Trust

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This report provides information on the Ordinance related to the Metro-Miami Action Plan (MMAP) Trust, which is being sponsored by the members of the Economic Development and Human Services (EDHS) Committee. As requested by the members of the EDHS Committee, this report also includes preliminary observations by staff for further consideration by the EDHS Committee and Board of County Commissioners (BCC).

Proposed Ordinance for Consideration (without recommendations from staff)

In summary, the Ordinance amending the County Code will do the following:

- Reduces the membership of the MMAP Board of Trustees to 15 from 21, and clarifies the tenure provisions by adding that each member shall serve no more than two complete three-year consecutive terms unless authorized by two-thirds of the BCC.
- Changes the composition of the Nominating Council by designating one of the five seats to the Chair of the EDHS Committee, clarifies the tenure of the Nominating Council's members by adding language that each member shall serve no more than two complete three-year consecutive terms; and authorizes the Chair of the BCC, as opposed to the Mayor, to appoint the remaining three members subject to BCC approval.
- Requires that financial reports be reported quarterly rather than annually, and sets forth that MMAP include in the report a performance assessment for entities/agencies funded by the MMAP Trust. The proposed Ordinance also requires MMAP to submit these reports to the Commission Auditor.

Management Observations

While the changes to the structure of the MMAP governing board may be necessary, there are also management and reporting issues that require attention from MMAP's management and board. Mr. Howard Piper, Special Assistant for Management and Performance Assessment, has met with MMAP management to discuss these issues, some which have been carried over from previous audits and continue to go unaddressed by MMAP. As the BCC is aware, I have also directed Cathy Jackson, Director of Audit and Management Services (AMS), to conduct a follow-up audit of MMAP that will not be completed until October 2007. The AMS audit is in progress.

It has been suggested that MMAP be placed in Management Watch status which requires increased scrutiny of MMAP operations. As reported, MMAP was placed on a form of Management Watch by the County Manager on November 5, 1998 and remained in that status until January 29, 2001. Although a limited type of Management Watch may be employed related to oversight of County personnel, the County ordinance does not give the County Manager or the Mayor the authority to review and terminate the process for contracts approved by the MMAP board. In order to address issues of accountability during this interim period while reviews and ordinance changes are underway, it is suggested that the BCC through the Commission Auditor provide oversight to MMAP with the establishment of specific performance goals or delegate this authority to the Mayor. It is further suggested that during this period of increased scrutiny, that MMAP Board contract and funding decisions be reviewed by County management and approved by the BCC.

Currently, MMAP's executive director is selected, appointed, and can be removed by the MMAP Board of Trustees. The BCC ratifies the action of the Board of Trustees. In addition, through Ordinance 93-12, MMAP has been empowered to negotiate and execute contracts properly within the powers and duties of the Trust without any County Commission or County management approval. MMAP would only have to seek BCC approval if contract or amendment to a contract requires the expenditure of funds in excess of the amounts appropriated by the BCC. In summary, although MMAP liaises with the County Manager's Office, and works with the Office of Strategic Business Management (OSBM) like any other department during the budget development process, it has a certain level of autonomy from County management unlike most other County departments.

Because of this autonomy, changes in MMAP's reporting structure should be reconsidered if County management will be ultimately responsible for oversight of the day-to-day operations of MMAP. This is an observation that the County needs to consider not only for MMAP, but for other entities with similar governing boards and reporting structures.

We are revisiting the proposed budget recommendations for MMAP. If there are revisions, the revised recommendations will be presented to the BCC in the second budget hearing memorandum. The recommendations regarding MMAP in the Proposed FY 2007-08 Resource Allocation Plan were intended to address organizational efficiencies in MMAP, improve the delivery of services, and address issues of accountability. This continues to be our goal.

Staff will continue to review and provide all of its recommendations on the proposed revised ordinance for EDHS Committee and BCC consideration. If you have any questions or concerns, please feel free to contact Senior Advisor Cynthia W. Curry at 305-375-4126 or me directly.

c: Honorable Carlos Alvarez, Mayor
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