



MEMORANDUM
Harvey Ruvlin
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B & F
Agenda Item No. 6 (A)

TO: Honorable Chairman Joe A. Martinez
and Members, Budget and Finance Committee

DATE: March 11, 2008

FROM: Kay M. Sullivan
Director, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Budget and Finance Committee:

December 19, 2007
January 28, 2008
February 12, 2008

KMS/sr
Attachment



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes Budget and Finance Committee

Joe A. Martinez (11) Chair; Carlos A. Gimenez (7) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Katy Sorenson (8), Rebeca Sosa (6), and Javier Souto (10)

Wednesday, December 19, 2007

9:30 AM

SPCC, 2ND FLOOR CONFERENCE
ROOM

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Katy Sorenson, Rebeca Sosa.

Members Absent: Javier D. Souto.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

1A INVOCATION

Report: *Chairman Martinez called the meeting to order at 9:51 am.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Special Assistant to the County Manager Jennifer Glazer-Moon; Assistant County Attorney Jess McCarty; and Deputy Clerk Zorana Gainer.*

2 CARRYOVER ITEMS

2A

073695 Report

OCA WORK PLAN AND ANNUAL REPORT; FY 2007-08
[SEE ORIGINAL AGENDA ITEM UNDER LEGISTAR NO.
073549] (Commission Auditor)

Report Received

Report: *Chairman Martinez noted Mr. Charles Anderson, Commission Auditor, requested that he be allowed to put some comments on the record regarding the Office of Commission Auditor.*

Mr. Anderson explained he would provide an explanation of the OCA's thoughts regarding their work plan. He pointed out that currently the OCA had six employees; and that Ms. Ines Beecher, Budget Coordinator, had been filling in for an employee who was on medical leave and may not return. Mr. Anderson noted he had considered what was realistic for the OCA to accomplish; and that the County Commission had different opinions as to whether the OCA should prepare a budget or review the annual budget. He pointed out that the OCA could not create a parallel budget with the current staff level. Mr. Anderson explained that he spoke with several other offices, including the City of Jacksonville, to consider as models. He pointed out that the County's OCA was organized similar to Jacksonville with legislative staff, budget staff, and audit staff; and that the County Commission had approved 10 budgeted positions for the OCA—five of which were still vacant. Mr. Anderson noted County Commission members had different opinions regarding the responsibilities and the staffing level of the OCA, and he was seeking clarification.

Chairman Martinez clarified that action taken by the Committee today (12/19) would be forwarded the County Commission as the Budget and Finance Committee's recommendation.

Mr. Anderson indicated that he had provided a copy of the OCA Work Plan and Annual Report that included the amendment Commissioner Gimenez requested at the December 11, 2007, Committee meeting on reducing the number of light fleet vehicles under the heading "Projects in previous Work Plan recommended for modification."

Commissioner Sosa suggested the County Commission start from scratch and build up the Commission Auditor position pursuant to the

changes that came with the new strong mayor form of government. She pointed out the County Commission was responsible for legislating, auditing, and approving the budget; and suggested the Commission Auditor concentrate on budgeting and auditing, rather than legislation. She maintained that the primary responsibility of the Commission Auditor should be the budget. She noted she questioned whether the County Commission would prepare its own line item budget, as opposed to waiting for the Mayor or the Manager to submit budget recommendations and subsequent changes. She noted the OCA spent many hours analyzing Agenda Items for each County Commission meetings and this office could be used more efficiently.

Commissioner Sorenson concurred with Commissioner Sosa that each Commissioner had their own legislative personnel; that the OCA's legislative responsibility could be eliminated to allow them to focus on the budget. She spoke in support of the County Manager's recommendation that the Commission Auditor work with the County Administration throughout the budget process, and noted the Commission Auditor should receive instruction from the County Commission, not individual commissioners. Commissioner Sorenson recommended the County Commission discuss the difference between performance-based and zero-based budgeting.

Responding to Chairman Martinez's question concerning the qualifications of the OCA staff that performed the legislative duties to also perform budgeting or auditing duties, Mr. Anderson explained that the OCA auditors could switch to do the budget; and that certain standards were required to conduct an audit.

Commissioner Sosa stated she thought Mr. Anderson could not answer Chairman Martinez's foregoing question. She suggested Mr. Anderson analyze the skills of the OCA's legislative staff to determine whether they could conduct an audit or prepare a budget.

Commissioner Diaz spoke in opposition to the recommendation to eliminate the OCA's legislative duties. He noted the legislative function of the OCA benefited the Commission by providing additional input and a different perspective on legislative issues.

Commissioner Sosa noted the Commission could

retain the legislative branch of the OCA, if the Commission increased funding to the OCA. She clarified that her suggestion to eliminate the legislative duties and emphasize the budgeting responsibilities was intended in terms of priorities. She pointed out the OCA did not possess the tools necessary to perform the functions the Commission was requesting. Commissioner Sosa noted the Commission needed to establish who would oversee the OCA.

Mr. Anderson pointed out that not all commissioners used the OCA's legislative staff; and that some commissioners used the OCA's legislative staff extensively. He noted he was researching methods to improve the legislation analysis, which could be improved if he received the Agenda Items earlier.

Following further comments by Commissioner Diaz in support of retaining the legislative functions in the OCA, Chairman Martinez clarified that the Commission budgeted \$500,000, to fund additional positions in the OCA. He pointed out that the Commission stopped Mr. Anderson from filling those positions, pending a peer review of the OCA.

In response to Commissioner Sosa's inquiry regarding the number of commissioners that relied on the OCA legislative staff, Mr. Anderson noted four or five commissioners relied on the OCA legislative staff.

Commissioner Sorenson noted commissioners could hire legislative analysts to perform the legislative analyses and that legislative analysis should not be a function of the OCA. She also noted this function was moved to the OCA, but it was never intended it to be there.

Commissioner Gimenez questioned the extent to which commissioners' aides relied on the Office of the Commission Auditor to prepare legislative analysis.

Mr. Roger Carlton, Chief of Staff, District 7, noted he used the OCA extensively, at times; and that the OCA called him sometimes.

Following Chairman Martinez' remarks regarding the impact that late distribution of the Agenda had on the Commission's use of the OCA for legislative matters, Commissioner Gimenez noted he thought the Commission could not eliminate the legislative

functions of the OCA at this time.

In response to concerns expressed by Commissioner Gimenez and Chairman Martinez concerning when the Agenda was delivered, Special Assistant to the County Manager Jennifer Glazer-Moon noted, for the record, she received the Agenda the same time the commissioners received it. She explained that the Commission and the County Administration could resolve the issues regarding delivery of the Agenda by sharing all existing resources and trusting the professional staff.

Responding to Commissioner Gimenez's inquiry concerning comments made by Special Assistant Glazer-Moon regarding the Agenda, Special Assistant Glazer-Moon explained the Commission Auditor had access to the Agenda, as well as access to Legistar (the County's Legislative Database) and the Internet. She clarified Assistant County Manager's placed Agenda Items in Legistar; and that those Agenda Items were immediately available to individuals who knew how to access Legistar. She pointed out that the County Administration waited until the last minute to print the Agenda to allow the maximum number of Items to be placed on the Agenda.

In response to Commissioner Gimenez's request for further clarification concerning what she did to analyze the Agenda, Special Assistant Glazer Moon explained Mr. Ray Baker, Assistant to the County Manager, County Executive Office, and she assembled information for the County Manager to prepare him for the meeting. She suggested the County Manager's Office share the information assembled for the County Manager's preparations.

Commissioner Diaz and Chairman Martinez concurred that the analyst functions and budget functions belonged under the OCA.

Commissioner Diaz noted the information provided by the OCA concerning Agenda Items would help ensure commissioners understood the issues before voting.

Commissioner Gimenez pointed out, pursuant to the January 26, 2007, Charter Amendments, the County Administration was not accountable to the County Commission. He clarified that his intent was to establish a relationship between the County Commission and the County Administration; that

once that relationship was established, it would guide future interactions. Commissioner Gimenez noted that Charter provisions guided the budget process, and that he concurred with the County Manager's memorandum regarding the access to information and the cooperative preparation of the budget, which was attached as Agenda Item 2C Supplement. The County Commission possessed the budget after the County Administration submitted it to the County Commission, and the County Commission should control any changes to the proposed budget, and those changes should be made through cooperation with the County Administration, the commissioner noted. He noted the County Commission could not legislate cooperation.

Commissioner Sorenson noted the Mayor's use of his authority, thusfar, indicated that he chose to have a professional administration and staff, and that he had employed skilled, reliable people. She noted the legislation would be necessary to provide structure and expertise in the County Administration if a subsequent Mayor abused the powers of that Office.

Responding to Commissioner Sorenson's comments, Commissioner Gimenez noted the proper controls were not in place for the County Commission to wait for a Mayor to abuse the powers of that Office before establishing structure between the County Commission and the County Administration.

Commissioner Sosa pointed out she opposed the strong mayor form of government. She explained that a form of government could not be created for one person; and that a form of government should consider all people that could sit in the position. She noted the County Commission needed to ensure what it established for the OCA would improve year after year.

Commissioner Gimenez pointed out that, notwithstanding President George Washington being great, he was subject to checks & balances. He explained that he considered the issue of the County Commission and the County Administration's relationship as an issue of checks and balances and establishing that structure.

Following Chairman Martinez's comments regarding the evolution of the budget process and his concurrence regarding the County Manager's memorandum to work with the Commission

Auditor to incorporate the Commission's priorities into the initial budget, Special Assistant Glazer-Moon expressed concern that the proposed legislation was too limiting on the Commission Auditor and the County Administration's roles in the budget process. She commented on the difficulties of the budget process and preparing the budget. She noted Mr. Anderson and the OCA staff had not prepared their entire careers to prepare the budget, and they would not be able to prepare the budget independently. Special Assistant Glazer-Moon expressed concern regarding the language on handwritten page five (5) of Agenda Item 2C that would limit changes to the budget to come from the OCA.

Commissioner Gimenez clarified the intent of the language on handwritten page five (5) was the Commission Auditor would prepare the Change Memorandum to the budget.

Special Assistant Glazer-Moon suggested that the language "with proposed budget amendments" should be included in the following sentence at the bottom of handwritten page five (5): "At the second budget hearing, after consultation with the Chair of the Commission and the Chair of the committee having jurisdiction over budgetary matters and in cooperation with the Mayor or his/her designee, the Commission Auditor shall issue any final recommended written changes to the tentative budget and then present implementing amendments thereto to the County Commission." She pointed out that the County Administration could have proposed amendments to put forward; and that the Commission Auditor may not agree with those proposed amendments.

Commissioner Gimenez pointed out the County Administration could propose amendments at the Final Budget Hearing. He concurred that the OCA did not have the expertise to prepare the budget. He emphasized that his intent was to provide a structure for the future similar to the existing structure in Jacksonville, Florida, which had worked successfully for 37 years.

Following Commissioner Sosa's comments that the County needed to work together during the transition from one way of preparing the budget to the new scenario, Special Assistant Glazer-Moon noted, for the record, that the County Administration concurred with Commissioner Sosa.

Commissioner Gimenez pointed out that eventually the OCA would have the same work experience as the Office of Strategic Business Management (OSBM). He clarified that Agenda Item 2C would provide that the OCA include in a change memorandum regarding the budget the budget recommendations agreed upon by the OCA and the County Administration; and that discussion would ensue concerning the OCA's disagreement with any recommendations from the County Administration.

Following further discussion concerning the working relationship of the Commission Auditor and the County Administration, Commissioner Sorenson noted the budget process needed to allow commissioners to meet with the County Manager and the Commission Auditor, before the budget hearing, to include the commissioners' individual projects in the budget; and that the Commission should have strict rules against any amendments after the individual projects were included.

Commissioner Gimenez noted the Commission was supposed to establish 20 budget priorities. He expressed concern that the commissioners fought over a small amount of money when establishing those priorities and lost sight of the big picture.

Commissioner Sosa cautioned the Committee against establishing a line item budget process.

Discussion ensued between Chairman Martinez and Special Assistant Glazer-Moon regarding the budget process in the lower levels of County government and the County Administration understanding of the specific details of each line item.

Commissioner Sosa explained she preferred the OCA have budget and audit experts, as well as some budget analysis experts attached to legislation. She clarified that she thought the OCA should not analyze every legislative item. Commissioner Sosa emphasized that the Commission District budgets provided for a legislative team in their offices. She stated the Commission was losing the skills of good people that could be used for bigger and better duties.

Mr. Anderson pointed out that commissioners requested legislative analysts in the OCA to research various legislative items.

Following discussion concerning the legislative function of the OCA being amended to a research function, Chairman Martinez pointed out the Commission requested research from the OCA that directly impacted the budget. He explained that the OCA determined the extent that legislation was consistent with the current policy; and that this function could not be taken away. Chairman Martinez asked Mr. Anderson to review the number of staff needed to conduct legislative research and determine the staff members who could be used in the other OCA functions.

It was moved by Commissioner Gimenez that Agenda Item 2C be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commission Sosa.

Commissioner Gimenez pointed out that the language, "in cooperation with the Mayor or his/her designee," would allow the County Administration to perform their present job functions.

Chairman Martinez referenced the following language from Agenda Item 2C, handwritten pages five (5) and six (6): "not intended to be construed in any way as a limitation on the Mayor's right to participate in the budget process as set forth in the Home Rule Charter, specifically the right to attend and be heard at the budget hearings to express a difference of opinion with the Commission Auditor's recommendations and proposed changes." He explained that the Commission Auditor and the County Administration had the responsibility and the right to note their disagreement on certain budget issues.

Following further discussion concerning the County Administration's ability to participate in the budget process, Assistant County Attorney Jess McCarty advised the current language contained in Agenda Item 2C would satisfy Special Assistant Glazer-Moon's requests.

In response to Assistant County Attorney McCarty's suggested amended language providing for Commission Auditor's budget recommendation to be prepared jointly with the Mayor, Chairman Martinez pointed out the January 26, 2007, amendments to the Charter did not allow a joint recommendation.

Commissioner Sosa pointed out that she intended

Budget and Finance Committee

to sponsor a proposed resolution providing that the Office of Commission Auditor be evaluated by the Budget and Finance Committee Chair annually; and that the County Commission ratify the evaluation of the Budget and Finance Committee Chair.

Discussion ensued between Chairman Martinez and Assistant County Attorney McCarty concerning the process Chairman Martinez followed when he was County Commission Chair and the need for a Sunshine Meeting if the County Commission Chair consulted with the Budget and Finance Committee Chair regarding the Commission Auditor.

Hearing no other questions or comments concerning Agenda Item 2C, the Committee proceeded to vote to forward Agenda Item 2C to the County Commission with a favorable recommendation by a vote of 4-0 (Commissioners Diaz and Souto were absent).

Discussion ensued concerning the additional positions for the OCA that the County Commission approved, included in the budget, and subsequently instituted a hiring freeze for the OCA.

In response to Chairman Martinez's comment that he would include in the Budget and Finance Committee memorandum a recommendation that the Commission Auditor follow through with the budget and hire six people, as quickly as possible, Mr. Anderson explained that he had a discussion with County Commission Chairman Barreiro to not hire those six people; and that they concurred to stop the hiring process until the County Commission provided clear direction to enable to OCA to hire the qualified candidates.

Special Assistant Glazer-Moon commented that the language in Agenda Item 2C regarding the Commission Auditor conducting an in depth budget analysis was general. She suggested the Committee provide further direction concerning what the Commission Auditor should look at in the budget. Special Assistant Glazer-Moon noted that the County Administration should develop amendments and change memoranda for the budget until the OCA acquired the necessary expertise. She emphasized the difficulty of the County Commission to respond to two conflicting change memoranda at the September Budget Hearings.

Chairman Martinez pointed out that the County Administration and the Commission Auditor did not need to wait until September to present conflicting views of the budget to the County Commission.

Commissioner Gimenez concurred with Special Assistant Glazer-Moon that the Fiscal Year (FY) 2008-09 budget would be developed more by the County Administration. He explained he considered it appropriate that the County Administration and the Commission Auditor come before the Commission to explain their different positions regarding the budget.

In response to Chairman Martinez's question concerning the ability to prepare a zero based budget, Special Assistant Glazer-Moon explained the County Administration prepared a performance based budget that evaluated all of the costs associated with an activity. She noted the County Administration asked a series of questions to evaluate the cost of the activity in the budget.

Regarding the County Administrations approach to operations and maintenance costs, Chairman Martinez questioned the feasibility of justifying the employees in each department and using the salary and fringe benefits for those employees as a starting point.

Responding to Chairman Martinez's question, Special Assistant Glazer-Moon pointed out that the collective bargaining agreements controlled the salary and fringe benefits; and that the number of employees was the only way to reduce those expenses.

Commissioner Gimenez spoke in support of the County Commission analyzing the activities in the budget and determining whether the County should continue that activity.

Special Assistant Glazer-Moon pointed out the first budget question the County Administration asked each department was should the County continue this activity. She noted her intent to provide the County Commission with information regarding County departments that performed similar activities and to discuss consolidation of those activities.

Ms. Beecher explained that when she worked in the Public Works Department, they prepared the budget by providing the OSBM the operating cost,

and not the cost of each activity as Special Assistant Glazer-Moon had indicated.

Discussion ensued between Chairman Martinez, Commissioner Gimenez, and Special Assistant Glazer-Moon regarding departmental responses to recent changes in the budget process.

Commissioner Gimenez questioned whether the County Administration knew exactly what was being spent within the smaller budgeted line items. He expressed concern regarding Department Directors using funds from the smaller line items for materials other than those specified in the line item. He questioned whether the County Administration had mapped out all the activities of the different departments and considered consolidating the similar activities; and whether the County Administration had eliminated the line items that were no longer needed.

Special Assistant Glazer-Moon noted the County Administration annually reviewed every departmental activity and justified the continuation and the best method of each activity.

In response to Commissioner Gimenez's inquiry regarding the prioritization of activities, Special Assistant Glazer-Moon explained that during the last budget cycle, the County Administration questioned whether each County service was an essential service or a preferred service. She pointed out that, pursuant to Commissioner Souto's resolution, the County Administration prepared a report regarding the consolidation of County departments over the last 20 years; and the legislation recommended by a department calling for a specific activity. Special Assistant Glazer-Moon noted the County Commission was responsible to prioritize activities.

Commissioner Gimenez clarified the County Administration should prioritize activities and the County Commission would agree or disagree with their prioritization.

Responding to Chairman Martinez's concern regarding the potential for departments to reduce or eliminate services that the County Commission considered high priority, Ms. Beecher clarified Special Assistant Glazer-Moon would know a department's proposed budget cuts. Ms. Beecher pointed out the OCA only had access to County systems; and the OCA did not have access to internal documents, such as the budget cuts or

service adjustments that a department recommended to OSBM.

An unidentified OSBM employee disagreed with Ms. Beecher regarding the OCA's ability to determine specific budget cuts. He explained that the OCA could use a Table of Organization to determine any activity in the County budget index code.

Following further discussion concerning the changes that needed to occur in the OCA to prepare the County budget and to provide budget analysis, Chairman Martinez questioned the feasibility of rewarding departments that saved funds to change the "use it or lose it" budget culture. He suggested rewarding departments by allowing them to roll over unused funds.

In response to Chairman Martinez's suggestion, Commissioner Gimenez explained that a budget was prepared based on past expenses; and that the County Administration needed to evaluate line items and justify them. He noted the County had to establish a culture that the County Commission would provide departments the funding they needed.

Responding to Commissioner Gimenez's question concerning the intent of the budgeted carryover, Special Assistant Glazer-Moon explained budgeted carryover versus unallocated carryover. She pointed out that when a department under spent its budget the County Administration and the County Commission would identify priorities outside that department that could use those savings; and that those savings were not always returned to the department.

In response to Commissioner Gimenez's comments regarding tracking the balance of County reserve funds and the County's actual surplus cash position, Special Assistant Glazer-Moon pointed out all County reserves were listed in the budget appendices; and that all of the information regarding reserve funds and surpluses were summarized on one page.

Mr. Terry Murphy, Chief of Staff, Commission District 13, noted the existence of national benchmarking data for governmental agencies. He suggested the County Commission adopt and identify the benchmarks for departmental activities to make comparisons nationwide.

Special Assistant Glazer-Moon pointed out the County had participated in performance measurement and benchmarking with International City/County Management Association (ICMA) since the 1990's; and that the County was doing exactly what Mr. Murphy described. She noted the County's size made it difficult to find peers. She explained the County Administration had been using that information to form goals.

Following further discussion regarding the adoption of performance benchmarks, Commissioner Sorenson questioned the technology the County would need to effectively implement the ideas that were discussed today; and the need for a cost/benefit analysis of the County's return on investment.

Commissioner Gimenez expressed concern regarding County Departments not providing the information OSBM requested to prepare the budget; and regarding County Departments thinking they were an entity unto themselves.

Mr. Hugo Salazar, Deputy Director, OSBM, noted a good budget analyst required two to four years to master the budget for a County department.

Commissioner Gimenez stated that the County Commission did not approve a budget that represented the bottom line number. He explained he wanted transparency; and that he wanted to provide the County Administration what it needed to operate and to build reserves.

Special Assistant Glazer-Moon expressed her desire to provide transparent information to the County Commission. She emphasized the size of the County budget and the impossibility of one person to know everything.

Mr. Anderson expressed the desire for an opportunity to work together with Special Assistant Glazer-Moon to discuss business plans.

Special Assistant Glazer-Moon clarified that the funds allocated for additional OCA employees were in a separate reserve; and that the County Commission would have to amend the budget for the Commission Auditor to use those funds.

Responding to Mr. Anderson's comments regarding the language in Ordinance 03-2, on the Commission Auditor providing legislative analysis

to the County Commission, Chairman Martinez clarified Mr. Anderson should consider streamlining and reducing the legislative analysis; and that the legislative analysis function would not be eliminated.

Following Commissioner Sorenson's suggestion that the Committee draft an amendment to Ordinance 03-2, to clarify the streamlining of the OCA's legislative analysis, Commissioner Gimenez suggested the County Commission set the policies and procedures for procurement, and ensure that the County Administration was following those policies.

In response to Chairman Martinez's question concerning the legality of him sending a draft memorandum to Committee members before sending his final memorandum, Assistant County Attorney Jess McCarty advised Chairman Martinez to schedule a Sunshine Meeting.

2B

073191 Resolution

Sen. Javier D. Souto

RESOLUTION DIRECTING THE COMMISSION AUDITOR TO ASSIGN A BUDGET ANALYST AND/OR AUDITOR TO EACH COUNTY DEPARTMENT AS WELL AS ENTITIES THAT RECEIVE SUBSTANTIAL COUNTY FUNDING, TO WORK ALONGSIDE AND IN COORDINATION WITH THE CORRESPONDING BUDGET ANALYST FROM THE OFFICE OF STRATEGIC BUSINESS MANAGEMENT

No action taken due to lack of a quorum

2C

073701 Ordinance

Carlos A. Gimenez,

Rebeca Sosa

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; AMENDING SECTION 2-481 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO THE COMMISSION AUDITOR'S ACCESS TO INFORMATION; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 073189]

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Sosa

Vote: 4-0

Absent: Souto, Diaz

Report: *(See Report Under Agenda Item 2A, Legislative File No. 073695.)*

Chairman Martinez asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Committee's rules and allow the foregoing report to be heard at the December 18, 2007 County Commission meeting.

2C SUPPLEMENT

073635 Supplement

SUPPLEMENTAL INFORMATION RE: ORDINANCE RELATED TO PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND ADOPTION OF THE COUNTY ANNUAL BUDGET

Presented

ADJOURNMENT



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes Budget and Finance Committee

Joe A. Martinez (11) Chair; Carlos A. Gimenez (7) Vice Chair; Commissioners Jose
"Pepe" Diaz (12), Katy Sorenson (8), Rebeca Sosa (6), and Javier Souto (10)

Monday, January 28, 2008

10:30 AM

COMMISSION CHAMBERS, SPCC

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Katy Sorenson,
Rebeca Sosa.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: Javier D. Souto

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter,
(305) 375-5108*

1A INVOCATION

Report: *Chairman Martinez called the meeting to order at
10:44 am. The Committee convened in a moment
of silence followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Special
Assistant to the County Manager Jennifer Glazer-
Moon; Assistant County Attorney Jess McCarty;
and Deputy Clerks Doris Dickens and Scott
Rappleye.*

1D DISCUSSION ITEM(S)

1D1

080210 Report

Carlos A. Gimenez

ORAL REPORT REGARDING THE RELATED RISK OF
MBIA AND AMBACK FINANCIAL GROUP

Presented

Report: *Assistant County Attorney Jess McCarty read the foregoing report into the record.*

Commissioner Gimenez noted he requested this report pursuant to some County financial underwriters being downgraded and forecasting a negative outlook.

Mr. Rachel Baum, Director, Finance Department, explained the reason the County purchased bond insurance was for a better credit rating than the County's underlying rating and to receive a better interest rate on bonds. She clarified the bond insurance protected the investor for fixed rate bonds, and the insurer would step in and make payments for the County if the County defaulted on bond payments. Ms. Baum pointed out that the County's variable rate bonds were being traded a little higher than they should, and that three percent (3%) of the County's portfolio was variable rate bonds.

In response to Commissioner Gimenez' inquiry concerning the value of the three percent of variable rate bonds, Ms. Baum noted three percent represented \$214 million.

Responding to Commissioner Sosa's inquiry concerning possible financial group downgrades, Ms. Baum clarified MBIA was on a rating watch and may be downgraded; Excel Capital was already downgraded; one of the three rating companies already downgraded AMBACK. Ms. Baum pointed out that everyone that issued municipal bonds was in the same position as the County for financial group downgrades.

Following further discussion concerning the projected impact to the County and the County's exposure if a surety policy rating dropped below an AA rating, Commissioner Gimenez questioned whether the County would be refunded by the financial group if their rating fell below AA.

Mr. Baum explained the County would not be refunded, and would need to buy another policy or put up the cash reserve for those bonds.

2A AMENDED

080294 Resolution

Jose "Pepe" Diaz,

Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Joe A. Martinez, Katy Sorenson, Rebeca Sosa, Sen. Javier D. Souto, Bruno A. Barreiro, Dennis C. Moss, Dorrin D. Rolle, Barbara J. Jordan

RESOLUTION APPROVING FUNDING IN THE AMOUNT OF \$1,000,000 FOR PURPOSES OF CONSTRUCTION OF A COMFORT HOME ON THE GROUNDS OF THE VETERAN'S ADMINISTRATION MEDICAL CENTER AND DIRECTING THE MAYOR OR HIS DESIGNEE TO IDENTIFY AND INCLUDE CERTAIN PROPOSED APPROPRIATION IN THE PROPOSED BUDGET PREPARED FOR FISCAL YEAR 2008-2009 [SEE ORIGINAL ITEM UNDER FILE NO. 080043]

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Diaz

Seconder: Sorenson

Vote: 5-0

Absent, OCB: Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sorenson.

Commissioners Gimenez, Sosa, Sorenson, and Chairman Martinez asked that they be listed as co-sponsors.

Commissioner Sosa questioned whether the County Commission would limit the funding sources the County Manager could suggest for the \$1 million that would be approved in this proposal. She further questioned what funding sources, besides property taxes, were available for constructing the comfort home in this proposal.

Commissioner Diaz explained this proposed resolution did not identify a specific funding source to allow the County Manger to evaluate all funding sources.

Chairman Martinez pointed out that a scrivener's error existed on handwritten page three (3) and it should be corrected to change "more then" to "more than."

Chairman Martinez asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide a report to Committee members, before this proposal came before the full Commission, detailing the proposed revenue streams for the \$1 million that would be approved in this proposed

resolution, and detailing the projects that would be impacted by the County funding the project in this proposal.

Discussion ensued among Committee members concerning Commissioner Sosa's concern regarding the funding source being unidentified in this proposed resolution.

Chairman Martinez pointed out that a comfort home on the grounds of the Veteran's Administration Medical Center would be a Budget and Finance Committee budget priority for fiscal year 2008-09.

Hearing no other questions or comments, the Committee proceeded to vote to forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation with committee amendment(s) to change on handwritten page 3, "more then" to "more than."

2B

073539 Resolution

Carlos A. Gimenez,
Sally A. Heyman

RESOLUTION DIRECTING THE COUNTY MAYOR TO REQUIRE MANDATORY COLLECTION OF LIQUIDATED DAMAGES IN ALL CONTRACTS WHICH STIPULATE LIQUIDATED DAMAGES FOR NON-PERFORMANCE EXCEPT WHERE WAIVER OF LIQUIDATED DAMAGES HAS BEEN AUTHORIZED BY ORDINANCE

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 5-0
Absent: Souto

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Commissioner Gimenez explained a number of County contracts stipulated liquidated damages for nonperformance reasons, and the County Administration would determine whether those stipulations were enforced. He noted the County Administration should enforce contract stipulations for liquidated damages; otherwise those provisions of the contract should not be included. He clarified in this proposed resolution the County Administration could waive liquidated damages through an ordinance approved by the County Commission.

Hearing no other questions or comments, the Committee proceeded to vote.

2C

080034 Resolution Carlos A. Gimenez,
Jose "Pepe" Diaz, Joe A. Martinez, Katy Sorenson, Rebeca
Sosa

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE
TO DEVELOP A PLAN TO ADDRESS THE IMPACTS OF
THE SIGNIFICANT INCREASES IN FORECLOSURES,
PERSONAL BANKRUPTCIES, UNEMPLOYMENT,
HOMELESSNESS AND RELATED PUBLIC SAFETY
ISSUES

Withdrawn

Report: See Report Under Agenda Item 2C AMENDED,
Legislative File No. 080274.

2C AMENDED

080274 Resolution Carlos A. Gimenez,
Jose "Pepe" Diaz, Joe A. Martinez, Katy Sorenson, Rebeca
Sosa, Audrey M. Edmonson, Dorrin D. Rolle, Sally A.
Heyman

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE
TO DEVELOP A PLAN TO ADDRESS THE IMPACTS OF
THE SIGNIFICANT INCREASES IN FORECLOSURES,
PERSONAL BANKRUPTCIES, UNEMPLOYMENT,
HOMELESSNESS AND RELATED PUBLIC SAFETY
ISSUES [SEE ORIGINAL ITEM UNDER FILE NO. 080034]

Forwarded to the BCC by the BCC
Chairperson with favorable
recommendation with committee
amendments
Mover: Gimenez
Seconder: Sosa
Vote: 5-0
Absent,OCB: Souto

Report: Assistant County Attorney Jess McCarty read the
foregoing proposed resolution into the record.

Commissioner Gimenez asked that this proposed
resolution be amended to include a provision
directing the Mayor to develop a plan to
accelerate capital improvement projects in 2008.
He noted the benefits of accelerating capital
improvement projects included employment
opportunities and lower construction costs.

It was moved by Commissioner Gimenez that this
proposed resolution be forwarded to the County
Commission with a favorable recommendation
with committee amendment(s). This motion was
seconded by Commissioner Sosa.

Commissioners Diaz, Sosa, and Sorenson asked
that they be listed as co-sponsors.

Commissioner Sorenson acknowledged Chairman
Martinez's idea to hold mortgage foreclosure
workshops; she apprised the Committee that she
would hold a foreclosure workshop Thursday,
January 31, 2008.

Commissioner Sosa asked that this proposed
resolution be amended to include as part of the
minimum requirements for the plan in this
proposed resolution the impact to the healthcare
industry (Jackson Memorial Hospital), and to
include a provision directing the Mayor to search
departments for State and Federal Programs that
assisted those impacted by the issues addressed in
the plan.

Discussion ensued between Committee members
concerning the success of Chairman Martinez's
foreclosure workshops and how to incorporate

into this proposed resolution his foreclosure seminars as a countywide informational program.

Hearing no other questions or comments, the Committee proceeded to vote on this proposed resolution as amended to include a provision directing the Mayor to develop a plan to accelerate capital improvement projects in 2008; to include as part of the minimum requirements for the plan the impact to the healthcare industry (Jackson Memorial Hospital); to include a provision directing the Mayor to search departments for State and Federal Programs that assisted those impacted by the issues addressed in the plan; and to incorporate a Countywide informational program on mortgage foreclosures based on the seminars conducted by Commissioner Martinez.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2D

073489 Resolution Sally A. Heyman

RESOLUTION REQUIRING THAT NON-UNION, EXEMPT EMPLOYEES WITH CERTAIN EXEMPTIONS, PARTICIPATE IN DIRECT DEPOSIT PROGRAM AND DIRECTING THE MAYOR OR HIS DESIGNEE TO IMPLEMENT PROCEDURE THEREFOR; DIRECTING MAYOR OR HIS DESIGNEE TO INCLUDE MANDATORY PARTICIPATION IN THE DIRECT DEPOSIT PROGRAM FOR UNION EMPLOYEES AS A NEGOTIATING ISSUE WHEN COLLECTIVE BARGAINING CONTRACTS ARE NEGOTIATED OR RE-OPENED

Withdrawn

Report: *See Report Under Agenda Item 2D Substitute; Legislative File No.073793.*

2D SUBSTITUTE

073793 Resolution

Sally A. Heyman

RESOLUTION REQUIRING THAT NON-UNION, EXEMPT EMPLOYEES WITH CERTAIN EXEMPTIONS, PARTICIPATE IN DIRECT DEPOSIT PROGRAM AND DIRECTING THE MAYOR OR HIS DESIGNEE TO IMPLEMENT PROCEDURE THEREFOR; DIRECTING MAYOR OR HIS DESIGNEE TO INCLUDE MANDATORY PARTICIPATION IN THE DIRECT DEPOSIT PROGRAM FOR UNION EMPLOYEES AS A NEGOTIATING ISSUE WHEN COLLECTIVE BARGAINING CONTRACTS ARE NEGOTIATED OR RE-OPENED [SEE ORIGINAL ITEM UNDER FILE NO. 073489]

Deferred to next committee meeting
Mover: Sorenson
Seconder: Diaz
Vote: 5-0
Absent: Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Diaz.

In response to Commissioner Sosa's question whether this proposed resolution would dictate that the only way for employees to be paid was through direct deposit, Special Assistant to the County Manager Jennifer Glazer-Moon clarified this proposed resolution would only apply to non-union, exempt employees.

Commissioner Sosa spoke in opposition to the government determining how employees received their money. She noted the County could encourage employees to choose direct deposit as a cost savings to the County.

Discussion ensued between Committee members and Special Assistant Glazer-Moon concerning the County not paying any employees in cash, and the potential savings of this proposed resolution.

Commissioner Sorenson spoke in support of deferring this proposed resolution to allow Commissioner Heyman, the sponsor, the opportunity to further explain her intent. She subsequently withdrew her motion to forward this proposed resolution to the County Commission.

Hearing no other questions or comments, the Committee proceeded to vote to defer this proposed resolution.

2E

080066 Resolution Sally A. Heyman

RESOLUTION DECLARING TWO CARGO VANS
SURPLUS AND AUTHORIZING THEIR DONATION TO
THE HUMANE SOCIETY OF GREATER MIAMI, DADE
COUNTY SOCIETY FOR PREVENTION OF CRUELTY TO
ANIMALS AND ADOPT-A-PET, INC.

*Forwarded to BCC with a favorable
recommendation
Mover: Sosa
Seconder: Diaz
Vote: 5-0
Absent: Souto*

2F

073485 Resolution Barbara J. Jordan

RESOLUTION URGING THE U.S. CONGRESS AND THE
FLORIDA LEGISLATURE TO STRENGTHEN HATE
CRIME LAWS TO PROVIDE THAT INTENTIONALLY
EXPOSING A PERSON TO HANGING NOOSES OR
OTHER OBJECTS OR SYMBOLS EVIDENCING
PREJUDICE CREATES A PRESUMPTION OF A HATE
CRIME, IN LIGHT OF RECENT EVENTS IN JENA,
LOUISIANA

Withdrawn

Report: *See Report Under Agenda Item 2F Substitute;
Legislative File No.080035.*

2F SUBSTITUTE

080035 Resolution

Barbara J. Jordan,

Dennis C. Moss, Dorrin D. Rolle, Natacha Seijas, Audrey
M. Edmonson

RESOLUTION URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO STRENGTHEN HATE CRIME LAWS TO PROVIDE THAT INTENTIONALLY EXPOSING A PERSON TO HANGING NOOSES OR OTHER OBJECTS OR SYMBOLS EVIDENCING PREJUDICE CREATES A PRESUMPTION OF A HATE CRIME, IN LIGHT OF RECENT EVENTS IN JENA, LOUISIANA [SEE ORIGINAL ITEM UNDER FILE NO. 073485]

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Sosa

Seconder: Sorenson

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Jordan pointed out she was interviewed regarding a recent hate crime in Miami. She emphasized the apparent escalation in the occurrence of hate related incidents, and the significance of the noose to the black community. She clarified that this proposed resolution would urge the United States Senate to include the hanging noose in Senate Bill 768.

It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sorenson.

Commissioner Sorenson pointed out the presence of a hanging noose would be evidence of a hate crime only if a crime was committed.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2G

073733 Resolution

Dennis C. Moss,

Rebeca Sosa

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE POLICE DEPARTMENT, THE MIAMI-DADE FIRE RESCUE DEPARTMENT, AND THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE APRIL 19, 2008 5K WALK/RUN FOR ASTHMA SPONSORED BY CONTINENTAL SOCIETIES OF GREATER MIAMI, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$5,375.00 TO BE FUNDED IN PART FROM THE COUNTYWIDE IN-KIND RESERVE FUND, AND IN PART FROM THE NON-AD VALOREM PORTION OF THE FIRE RESCUE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Souto

2H

080042 Resolution

Dennis C. Moss

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND THE COMMUNITY REDEVELOPMENT ACT TO MODIFY THE CRITERIA FOR THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY TO INCLUDE LAND PREVIOUSLY USED AS A MILITARY FACILITY

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Souto

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

It was moved by Commissioner Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sosa.

Pursuant to Commissioner Sorenson's request for an explanation, Assistant County Attorney McCarty advised that military facilities may or may not qualify for inclusion in a community redevelopment agency (CRA) through the definition of a slum or a blighted area; this proposed resolution would qualify a former military facility for inclusion in a CRA.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2I

080062 Resolution Dennis C. Moss

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE NOVEMBER 17, 2007 5TH ANNUAL DISCOVERY OF PUERTO RICO FESTIVAL SPONSORED BY ASPIRA OF FLORIDA, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$3,268.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 5-0
Absent: Souto

2J

080045 Resolution Dorrin D. Rolle

RESOLUTION DIRECTING THE COUNTY MANAGER TO DEVELOP A PROCEDURE TO ESTABLISH A MORE EQUITABLE DISTRIBUTION OF COUNTY SURPLUS PROPERTY TO ELIGIBLE COMMUNITY BASED ORGANIZATIONS

Deferred to next committee meeting
Mover: Gimenez
Seconder: Sosa
Vote: 5-0
Absent: Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Diaz asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide him a report by February 12, 2008, that detailed the County surplus property donated to Community Based Organizations by Commission District.

It was moved by Commissioner Gimenez that this proposed resolution be deferred to February 12, 2008. This motion was seconded by Commissioner Sosa.

Hearing no other questions or comments, the Committee proceeded to vote.

Later in the meeting, Commissioner Sosa asked Special Assistant Glazer-Moon to provide a breakdown by Commission District of the County surplus property donated to Community Based Organizations, and to clarify how the County would provide more equitable distribution going forward.

2K

080075 Resolution

Natacha Seijas,

Bruno A. Barreiro

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM MIAMI-DADE TRANSIT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE APRIL 4-8, 2008 INTER-AMERICAN DEVELOPMENT BANK (IDB) ANNUAL MEETING TO BE HELD IN MIAMI-DADE COUNTY SPONSORED BY IDB-MIAMI 2008 HOST COMMITTEE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$75,368.32 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Withdrawn

Report: *See Report Under Agenda Item 2K Substitute; Legislative File No.080158.*

2K SUBSTITUTE

080158 Resolution

Natacha Seijas,

Bruno A. Barreiro, Jose "Pepe" Diaz

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM MIAMI-DADE TRANSIT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE APRIL 4-8, 2008 INTER-AMERICAN DEVELOPMENT BANK (IDB) ANNUAL MEETING TO BE HELD IN MIAMI-DADE COUNTY SPONSORED BY IDB-MIAMI 2008 HOST COMMITTEE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$75,368.32 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND [SEE ORIGINAL ITEM UNDER FILE NO. 080075]

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Commissioner Diaz asked that he be listed as a co-sponsor.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2L

073780 Resolution

Katy Sorenson,

Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez,
 Rebeca Sosa, Audrey M. Edmonson, Sally A. Heyman
 RESOLUTION URGING THE FLORIDA PUBLIC SERVICE
 COMMISSION TO ADOPT FINAL RULES THAT WILL
 ENCOURAGE THE USE OF CONSUMER-OWNED SOLAR
 AND OTHER RENEWABLE ENERGY SYSTEMS
 THROUGH NET METERING AND BY FACILITATING
 THE INTERCONNECTION BETWEEN SUCH SYSTEMS
 AND ELECTRIC UTILITIES

*Forwarded to the BCC by the BCC
 Chairperson with a favorable
 recommendation
 Mover: Sorenson
 Seconder: Sosa
 Vote: 5-0
 Absent: Souto*

Report: *Assistant County Attorney Jess McCarty read the
 foregoing proposed resolution into the record.*

*Hearing no objections, the Committee proceeded
 to consider this proposed resolution, as well as
 Agenda Items 2M, 2N, and 2O, simultaneously.*

*Assistant County Attorney McCarty read Agenda
 Items 2M, 2N, and 2O into the record.*

*It was moved by Commissioner Sorenson that
 Agenda Items 2L, 2M, 2N, and 2O be forwarded to
 the County Commission with a favorable
 recommendation. This motion was seconded by
 Commissioner Sosa.*

*Chairman Martinez asked Mr. Joe Rasco,
 Director, Office of Intergovernmental Affairs, to
 add these proposed resolutions to the State
 Legislative Priorities package.*

*Commissioners Sosa, Diaz, Gimenez, and
 Chairman Martinez asked that they be listed as co-
 sponsors to Agenda Items 2L, 2M, 2N, and 2O.*

*Hearing no other questions or comments, the
 Committee proceeded to vote.*

*Chairman Martinez noted he would prepare a
 memorandum that asked Chairman Barreiro to
 waive the Board's Rules and Procedures to allow
 this proposed resolution to be considered at the
 February 5, 2008, County Commission meeting.*

2M

073781 Resolution **Katy Sorenson,**
Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez,
Rebeca Sosa, Dorrin D. Rolle, Audrey M. Edmonson, Sally
A. Heyman

RESOLUTION URGING THE FLORIDA LEGISLATURE
TO ESTABLISH A PROGRAM TO PROVIDE MATCHING
FUNDS FOR SOLAR AND OTHER ENERGY SAVING
WATER HEATER INSTALLATIONS FOR LOW-INCOME
HOMEOWNERS

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation
Mover: Sorenson
Seconder: Sosa
Vote: 5-0
Absent: Souto*

Report: *(See Report Under Agenda Item 2L, Legislative
File No. 073780.)*

*Chairman Martinez noted he would prepare a
memorandum that asked Chairman Barreiro to
waive the Board's Rules and Procedures to allow
this proposed resolution to be considered at the
February 5, 2008, County Commission meeting.*

2N

073782 Resolution **Katy Sorenson,**
Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez,
Rebeca Sosa, Audrey M. Edmonson, Sally A. Heyman

RESOLUTION URGING THE FLORIDA LEGISLATURE
TO PASS AND THE GOVERNOR TO SIGN INTO LAW
LEGISLATION REINSTATING A PROPERTY TAX
EXEMPTION FOR SOLAR ENERGY SYSTEMS AND
OTHER RENEWABLE ENERGY SYSTEMS AND TO
STREAMLINE THE PROCESS FOR APPLYING FOR
SUCH AN EXEMPTION

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation
Mover: Sorenson
Seconder: Sosa
Vote: 5-0
Absent: Souto*

Report: *(See Report Under Agenda Item 2L, Legislative
File No. 073780.)*

*Chairman Martinez noted he would prepare a
memorandum that asked Chairman Barreiro to
waive the Board's Rules and Procedures to allow
this proposed resolution to be considered at the
February 5, 2008, County Commission meeting.*

20

073783 Resolution

Katy Sorenson,

**Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez,
Rebeca Sosa, Audrey M. Edmonson, Sally A. Heyman**
RESOLUTION URGING THE FLORIDA LEGISLATURE
TO EXPRESSLY INCLUDE IN THE "FLORIDA
OPPORTUNITY FUND" VENTURE CAPITAL FIRMS
THAT ARE DEVELOPING ALTERNATIVE AND
RENEWABLE ENERGY SOURCES AND
TRANSPORTATION FUELS

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation
Mover: Sorenson
Seconder: Sosa
Vote: 5-0
Absent: Souto*

Report: *(See Report Under Agenda Item 2L, Legislative
File No. 073780.)*

*Chairman Martinez noted he would prepare a
memorandum that asked Chairman Barreiro to
waive the Board's Rules and Procedures to allow
this proposed resolution to be considered at the
February 5, 2008, County Commission meeting.*

2P

073784 Resolution Katy Sorenson,
Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez,
Rebeca Sosa, Dorrin D. Rolle, Audrey M. Edmonson
RESOLUTION URGING THE FLORIDA LEGISLATURE
TO STRENGTHEN MORTGAGE FRAUD LAWS

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation
Mover: Sorenson
Seconder: Gimenez
Vote: 5-0
Absent: Souto*

Report: *Assistant County Attorney Jess McCarty read the
foregoing proposed resolution into the record.*

*It was moved by Commissioner Sorenson that this
proposed resolution be forwarded to the County
Commission with a favorable recommendation.
This motion was seconded by Commissioner
Gimenez.*

*Commissioners Gimenez, Sosa, Diaz, and
Chairman Martinez asked that they be listed as co-
sponsors.*

*Hearing no other questions or comments, the
Committee proceeded to vote.*

*Chairman Martinez noted he would prepare a
memorandum that asked Chairman Barreiro to
waive the Board's Rules and Procedures to allow
this proposed resolution to be considered at the
February 5, 2008, County Commission meeting.*

2Q

072881 Resolution Sen. Javier D. Souto

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT, THE MIAMI-DADE POLICE DEPARTMENT AND THE MIAMI-DADE FIRE RESCUE DEPARTMENT FOR THE SEPTEMBER 8, 2007 AMERICAN HEART WALK SPONSORED BY THE AMERICAN HEART ASSOCIATION, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$13,909.00 TO BE FUNDED IN PART FROM THE COUNTYWIDE IN-KIND RESERVE FUND AND IN PART FROM THE NON-AD VALOREM PORTION OF THE FIRE RESCUE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 5-0
Absent: Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sosa.

Chairman Martinez questioned the fiscal year of the Countywide in-kind reserve funds that would be used in this proposed resolution.

Special Assistant to the County Manager Jennifer Glazer-Moon explained the Countywide in-kind reserve funds had carryover funds from fiscal year 2006-07.

Hearing no other questions or comments, the Committee proceeded to vote.

2R

073732 Resolution

Sen. Javier D. Souto,

Dennis C. Moss

RESOLUTION URGING THE FLORIDA LEGISLATURE, GOVERNOR, AND COMMISSIONER OF AGRICULTURE AND CONSUMER SERVICES TO SUPPORT THE 2008 MIAMI INTERNATIONAL AGRICULTURE & CATTLE SHOW

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Diaz

Seconder: Gimenez

Vote: 5-0

Absent: Souto

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Commissioner Sosa questioned whether the budget line item for the 2008 Miami International Agriculture & Cattle Show would cover the show's cost if the Florida Legislature, Governor, and Commissioner of Agriculture and Consumer Services did not support it.

Special Assistant to the County Manager Jennifer Glazer-Moon noted the \$215,000 line item in the Parks and Recreation Department's budget was the amount needed to support the event without State support.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2S

073785 Resolution

Sen. Javier D. Souto

RESOLUTION URGING THE OFFICE OF FOREIGN ASSETS CONTROL WITHIN THE U.S. DEPARTMENT OF TREASURY TO REVIEW UNILEVER'S COMPLIANCE WITH THE HELMS-BURTON LAW AND THE U.S. EMBARGO AGAINST CUBA

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Souto

Report: Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2T

080197 Resolution

Dorrin D. Rolle,

Audrey M. Edmonson

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DESIGNATE THAT PORTION OF STATE ROAD 934 ON N.W. 79TH STREET BETWEEN N.W. 7TH AVENUE AND N.W. 37TH AVENUE AS "REV. DR. C.P. PRESTON, JR. STREET"; AND APPROVING SUCH DESIGNATION

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Souto

Report: Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2U

080056 Resolution

Rebeca Sosa

RESOLUTION AUTHORIZING CAPITAL TRUST AGENCY TO OPERATE WITHIN JURISDICTIONAL BOUNDARIES OF MIAMI-DADE COUNTY FOR CERTAIN LIMITED PURPOSES; APPROVING EXECUTION AND DELIVERY OF INTERLOCAL AGREEMENT WITH CAPITAL TRUST AGENCY REGARDING ITS ISSUANCE OF REFUNDING BONDS ON BEHALF OF CARGO ACQUISITION COMPANY, LLC, THROUGH ITS AFFILIATE AERO MIAMI FX, LLC; APPROVING ISSUANCE BY CAPITAL TRUST AGENCY OF ITS REVENUE REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$40,000,000 AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR OTHER RELATED MATTERS

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Souto

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Commissioner Sosa clarified that the bonds in this proposed resolution did not constitute a debt, liability, or obligation by the County, the State, or any of their political subdivisions.

Hearing no other questions or comments, the Committee proceeded to vote.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

2V

080064 Resolution Carlos A. Gimenez

RESOLUTION RESCINDING THE DONATION OF ONE 1995 FORD PICKUP TO FARM SHARE, INC., AND AUTHORIZING THE DONATION OF A 2001 DODGE PICKUP TO FARM SHARE, INC.

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 5-0
Absent: Souto

3 DEPARTMENT

3A

073672 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT 172 WEST FLAGLER STREET, SUITE 200 MIAMI, WITH JACK THOMAS INC., AS AGENTS FOR FLAGLER BUILDING LLLP, A FLORIDA LIMITED LIABILITY CORPORATION AND LIMITED PARTNERSHIP FOR PREMISES TO BE UTILIZED BY MIAMI-DADE COUNTY FINANCE DEPARTMENT, CREDIT AND COLLECTION SECTION; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 5-0
Absent: Souto

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Responding to Commissioner Gimenez' questions concerning the County Administration's plan for filling the Overtown II Building, Ms. Wendi Norris, Director, General Services Administration, noted a majority of the Overtown II tenants would be relocated from the 140 W. Flagler Street Building. She indicated that all of the available space in Overtown II was allocated, and the Miami-Dade Finance Department, Credit and Collection Section would be a tenant of Overtown II.

Following further discussion concerning the terms of the lease agreement in this proposed resolution, the Committee proceeded to vote.

3B

073699 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT FOR TWO BUILDINGS NUMBERED 26 AND 27, LOCATED AT 20600 N.W. 47TH, AVENUE, MIAMI, WITH THE ASSOCIATION FOR RETARDED CITIZENS, SOUTH FLORIDA, INC., FOR THE BUILDINGS TO BE UTILIZED FOR A DAY TRAINING PROGRAM AND FOR ANCILLARY OFFICE AND STORAGE SPACE AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 5-0
Absent: Souto

3C

073700 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT FOR A BUILDING (BUILDING 7 – INCLUSIVE OF BUILDING 7A, 7B, AND 7C) LOCATED AT 20600 N.W. 47TH AVENUE, MIAMI, WITH THE SANDOR WIENER SCHOOL OF OPPORTUNITY, INC., FOR THE BUILDING TO BE UTILIZED FOR A CHARTER SCHOOL AND FOR ANCILLARY OFFICE AND STORAGE SPACE; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 5-0
Absent: Souto

3D

080080 Resolution

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$3,715,000 TO FINANCE CAPITAL PROJECT FOR BENEFIT OF BELLAK COLOR CORPORATION, INC. FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED (Industrial Development Authority)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Diaz
Seconder: Sorenson
Vote: 5-0
Absent: Souto

Report: *Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.*

3E

080082 Resolution

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$6,550,000 TO FINANCE CAPITAL PROJECT FOR BENEFIT OF SOLO PRINTING, INC. FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED (Industrial Development Authority)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Diaz

Seconder: Sorenson

Vote: 5-0

Absent: Souto

Report: *Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.*

3F

080103 Resolution

RESOLUTION AMENDING FY 2006-07 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS [SEE AGENDA ITEM NOS. 3(G) & 7(E)] (Office of Strategic Business Management)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Sorenson
Seconder: Martinez
Vote: 4-0
Absent: Souto, Diaz

Report: *Hearing no objection, the Committee considered Agenda Items 3F, 3G, and 7E simultaneously.*

Assistant County Attorney Jess McCarty read the foregoing proposed resolution, and Agenda Items 3G and 7E into the record. He pointed out that a scrivener's error existed in Agenda Item 3G that needed to be changed.

Commissioner Sosa questioned the total deficit for Miami-Dade Housing Agency (MDHA) that required a budget amendment.

Special Assistant to the County Manager Jennifer Glazer-Moon noted the scrivener's error identified by Assistant County Attorney McCarty was the total deficit for MDHA. She explained that in Agenda Item 3G, handwritten page two (2), \$6.274 million needed to be changed to \$6.998 million. Special Assistant Glazer-Moon pointed out that the County Administration had apprised the County Commission of these budget adjustments and took them into consideration during the budget process. She clarified that revenue shortfalls and expenditures associated with prior years were the reasons the County needed to subsidize MDHA to maintain the level of service.

Responding to Commissioner Sosa's question concerning the funding source for the MDHA budget adjustment, Special Assistant Glazer-Moon indicated the funding source was the general fund.

Following further comments by Commissioner Sosa concerning the MDHA deficit, Special Assistant Glazer-Moon noted the County was aware of the MDHA deficit during the budget process. She clarified the County had subsidized the Federal funds available to MDHA for several years through local discretionary funds. She pointed out the fiscal year (FY) 2005-06 charges were for activities that occurred in FY 2005-06, but the County had to pay in FY 2006-07.

Commissioner Sosa expressed concern regarding MDHA significantly overspending on items that should have been part of a janitorial services and a security services contract with known values.

Responding to Commissioner Sosa's concern, Special Assistant Glazer-Moon acknowledged overspending by \$4 million was significant, however, the MDHA budget was \$85 million, and the County Administration knew the MDHA budget was not realistic.

In response to Commissioner Sosa's question concerning the County Administration presenting additional budget amendments for FY 2005-06 and FY 2006-07, Special Assistant Glazer-Moon pointed out FY 2005-06 was being reaudited, and this proposal would resolve most outstanding issues.

Commissioner Gimenez questioned what firm was auditing MDHA.

Mr. Rachel Baum, Director, Finance Department, noted Fuhrman Hopkins was auditing MDHA, and clarified the County piggybacked Fuhrman Hopkins' auditing services off a Tampa Housing Authority contract.

Discussion ensued concerning the MDHA Director coming from Tampa and the selection process for Fuhrman Hopkins.

Commissioner Gimenez asked Special Assistant Glazer-Moon to provide him a report regarding the amount of MDHA's FY 2006-07 deficits.

Following further discussion between Commissioner Gimenez and Special Assistant Glazer-Moon concerning budget increases to cover MDHA deficits, Commissioner Gimenez asked Special Assistant Glazer-Moon to provide him a report regarding the budget for MDHA for fiscal years 2005-06, 2006-07, and 2007-08, and MDHA's deficit each year.

Commissioner Gimenez expressed concern that \$7 million was close to 10 percent of MDHA's \$85 million budget. He expressed further concern regarding the auditing firm and asked Special Assistant Glazer-Moon to provide him a report regarding whether Fuhrman Hopkins, the auditing agency from Tampa, Florida, used by the County had audited the Tampa Housing Agency where the

current Miami-Dade Housing Agency Director was previously employed.

Commissioner Gimenez noted that Agenda Item 3G included an \$8.2 million budget supplement for the Enterprise Technology Services Department (ETSD) from significant revenue in the customer departments.

In response to Commissioner Gimenez' inquiry concerning why ETSD needed an \$8.2 million budget supplement, Special Assistant Glazer-Moon explained that \$3 million of the \$8.2 million was telephone services.

Discussion ensued between Commissioner Gimenez and Special Assistant Glazer-Moon regarding the County Administration's methods for budgeting telephone services.

Following further discussion concerning the proposed supplemental budget for the Miami-Dade Police Department, Commissioner Gimenez questioned whether municipalities could borrow from the same fund the Solid Waste Department used on Agenda Item 3G, handwritten page four (4).

Special Assistant Glazer-Moon pointed out the County was not paying an interest rate on the funds it loaned to itself.

Commissioner Gimenez asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide him a report regarding whether municipalities could borrow monies from the same interest free County fund used by the Solid Waste Department.

Following discussion concerning the proposed supplemental budget for Animal Services, it was moved by Commissioner Sorenson that Agenda Items 3F and 7E be forwarded to the County Commission with a favorable recommendation, and that Agenda Item 3G be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to change "\$6.274 million" to "\$6.998 million" in the last paragraph on handwritten page two (2). This motion was seconded by Chairman Martinez.

Special Assistant Glazer-Moon pointed out that a scrivener's error existed in Agenda Item 3G, on handwritten page 17, that needed to be corrected to change "\$6.274 million" to "\$6.998 million" in

Budget and Finance Committee

both places, as well as to change "\$65,177,000" to "\$65,901,000" in both places.

Commissioner Gimenez asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide him a copy of the notification provided by the County Administration apprising the County Commission the departments in these proposed resolutions would exceed their budgets.

Hearing no other questions or comments, the Committee proceeded to vote to forward Agenda Items 3F, 3G, and 7E to the County Commission with a favorable recommendation with committee amendment(s) in Agenda Item 3G to change "\$6.274 million" to "\$6.998 million" in the last paragraph on handwritten page two (2), and in both places on handwritten page 17, and to change "\$65,177,000" to "\$65,901,000" in both places on handwritten page 17.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

3G

073636 Ordinance

ORDINANCE APPROVING AND ADOPTING SUPPLEMENTAL BUDGETS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET CHARGES; APPROPRIATING GRANT FUNDS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE [SEE AGENDA ITEM NOS. 3(F) & 7(E)] (Office of Strategic Business Management)

Withdrawn

Report: *See Report Under Agenda Item 3G AMENDED, Legislative File No. 080279.*

3G AMENDED

080279 Ordinance

ORDINANCE APPROVING AND ADOPTING SUPPLEMENTAL BUDGETS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET CHARGES; APPROPRIATING GRANT FUNDS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 073636] (Office of Strategic Business Management)

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments

Mover: Sorenson

Seconder: Martinez

Vote: 4-0

Absent: Diaz

Absent,OCB: Souto

Report: *(See Report Under Agenda Item 3F, Legislative File No. 080103.)*

It was moved by Commissioner Sorenson that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to change "\$6.274 million" to "\$6.998 million" in the last paragraph on handwritten page two (2), and in both places on handwritten page 17, as well as to change "\$65,177,000" to "\$65,901,000" in both places on handwritten page 17. This motion was seconded by Chairman Martinez.

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

4 COUNTY MANAGER

4A

080065 Resolution

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT, THE GENERAL SERVICES ADMINISTRATION, AND THE GOVERNMENT INFORMATION CENTER FOR THE JANUARY 1-31, 2008 "A JOURNEY THROUGH TIME" EXHIBITION SPONSORED BY GALATA INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,103.00 TO BE FUNDED FROM THE MAYOR'S IN-KIND RESERVE FUND (County Manager)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Gimenez

Vote: 4-0

Absent: Souto, Diaz

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

080095 Report

CLERK'S SUMMARY OF MINUTES FOR THE BUDGET
AND FINANCE COMMITTEE'S NOVEMBER 13, 2007
MEETING (Clerk of the Board)

Accepted
Mover: Gimenez
Seconder: Sorenson
Vote: 4-0
Absent: Souto, Diaz

6B

080096 Report

CLERK'S SUMMARY OF MINUTES FOR THE BUDGET
AND FINANCE COMMITTEE'S DECEMBER 11, 2007
MEETING (Clerk of the Board)

Accepted
Mover: Gimenez
Seconder: Sorenson
Vote: 4-0
Absent: Souto, Diaz

7 REPORTS

7A

073579 Report
REGIONAL CONFLICT COUNSEL (County Manager)

Deferred to no date certain
Mover: Gimenez
Seconder: Sorenson
Vote: 4-0
Absent: Souto, Diaz

Report: *Assistant County Attorney Jess McCarty read the foregoing report into the record.*

Assistant County Attorney McCarty advised the Committee that the ruling of a trial court in Tallahassee in favor of the Florida Association of Criminal Defense Lawyers in the Association's lawsuit against the Governor, Senate President, and the Regional Conflict Counsels regarding Senate Bill (SB) 1088 was pending before the State of Florida Supreme Court.

Mr. Joseph George, Regional Counsel, Third District, noted the State of Florida Supreme Court would hear this issue by the end of February 2008, and could render a decision by March 2008.

Chairman Martinez asked Assistant County Attorney Jess McCarty to apprise Committee members, prior to this report appearing on the Committee Agenda, of the State of Florida Supreme Court's ruling on the issue in this report.

Hearing no other questions or comments, the Committee proceeded to vote.

7A SUPPLEMENT

080106 Supplement
SUPPLEMENTAL INFORMATION REGARDING -
REGIONAL CONFLICT COUNSEL

Deferred to no date certain

7B

080076 Report
ANNUAL REPORT ON SWAP TRANSACTIONS FOR
FISCAL YEAR 2006-07 (County Manager)

Report Received
Mover: Sorenson
Seconder: Sosa
Vote: 4-0
Absent: Souto, Diaz

7C

080078 Report

PROMPT PAYMENT ANNUAL REPORT FOR FISCAL
YEAR 2007 (County Manager)

Report Received
Mover: Sorenson
Seconder: Martinez
Vote: 4-0
Absent: Souto, Diaz

Report: *Assistant County Attorney Jess McCarty read the foregoing report into the record.*

It was moved by Commissioner Sorenson that this report be received. This motion was seconded by Chairman Martinez.

Commissioner Gimenez questioned why the Public Health Trust (PHT) had \$250,000 in early payment discounts and the County had only \$33,000.

Ms. Rachel Baum, Director, Finance Department, explained early payment discounts were only awarded when a contract allowed for the discount and when the terms for paying the vendor were met.

Commissioner Gimenez asked the Finance Director to pursue more contracts with early payment discounts for the County with the PHT.

Hearing no other questions or comments, the Committee proceeded to vote.

7D

080079 Report

YEAR-END PORTFOLIO PERFORMANCE REPORT FOR FISCAL YEAR 2006-07 (County Manager)

Report Received
Mover: Gimenez
Seconder: Sosa
Vote: 4-0
Absent: Diaz, Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing report into the record.*

Commissioner Gimenez questioned Ms. Rachel Baum, Director, Finance Department concerning the reported \$3.7 billion portfolio value, the amount of the portfolio tied to capital improvement projects, and the balance of the treasurer's fund.

Hearing no other questions or comments, the Committee proceeded to vote.

7E

080204 Report

FY 2006-07 YEAR-END BUDGET AMENDMENT AND SUPPLEMENTAL BUDGET [SEE AGENDA ITEM NOS. 3(F) & 3(G)] (County Manager)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Sorenson
Seconder: Martinez
Vote: 5-0
Absent: Souto

Report: *(See Report Under Agenda Item 3F, Legislative File No. 080103.)*

Chairman Martinez noted he would prepare a memorandum that asked Chairman Barreiro to waive the Board's Rules and Procedures to allow this proposed resolution to be considered at the February 5, 2008, County Commission meeting.

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting adjourned at 12:34 pm.*



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes Budget and Finance Committee

Joe A. Martinez (11) Chair; Carlos A. Gimenez (7) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Katy Sorenson (8), Rebeca Sosa (6), and Javier Souto (10)

Tuesday, February 12, 2008

2:00 PM

Commission Chambers

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Katy Sorenson, Rebeca Sosa, Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 **MINUTES PREPARED BY**

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

1A **INVOCATION**

Report: *Chairman Martinez called the meeting to order at 2:17 p.m.*

1B **PLEDGE OF ALLEGIANCE**

1C **ROLL CALL**

Report: *The following staff members were present: Special Assistant to the County Manager Jennifer Glazer-Moon, Senior Advisor to the County Manger Cynthia Curry, and Assistant County Manager Ysela Llort; Assistant County Attorneys Jess McCarty and Shannon Summerset; and Deputy Clerks Doris Dickens and Scott Rappleye.*

1D **POLICY MATTERS FOR DISCUSSION**

1D1

080372 Discussion Item

Carlos A. Gimenez

IG REPORT RE: WRITE-OFF OF LIABILITIES TO THE
HOUSING ASSISTANCE LOAN TRUST FUND

Presented

Report: *Assistant County Attorney Jess McCarty read the foregoing discussion item into the record.*

Mr. Christopher Mazzella, Inspector General, presented his report dated January 30, 2008. He explained the Housing Assistance Loan Trust Fund (Trust Fund) was created in 1983, and authorized uses of its revenues included first and second mortgages and acquired property for purposes of forming housing cooperatives. He pointed out the Trust Fund proceeds should not be used for rent subsidies or grants. He noted the Office of Inspector General (OIG) had conducted extensive investigations at the Miami-Dade Housing Agency (MDHA) that resulted in criminal prosecutions, and issued an audit involving mismanagement within certain aspects of HOPE VI. Mr. Mazzella clarified these investigations involved surtax money from the Trust Fund.

Mr. Mazzella emphasized the poor condition of MDHA record keeping and noted some records could not be located. He stated he was surprised the County Administration proposed to forgive \$13 million in loans from the Trust Fund to MDHA on the premise that they always intended to forgive the loans. He pointed out that his investigation clearly established no documented strategy existed to treat these loans as forgivable. Mr. Mazzella noted County Administration documents always provided strong justification for the loans with intent to repay the loans within a specific time frame and with identified revenue sources. He continued, evidence supported that the information to justify a \$9.6 million loan was embellished. He clarified that the \$9.6 million loan was made to Section VIII operations and intended to be repaid with income from non-subsidized MDHA sources over a 10 year period; the memorandum submitted to the County Commission to justify this loan included a table of the history and forecast of non-subsidized MDHA revenue, and the projections in the memorandum were unfounded.

Chairman Martinez clarified Mr. Mazzella found that the revenue estimating for non-subsidized MDHA revenue did not equate with what was realized, and pointed out the same scenario

existed in the Transit Agency, the Parks and Recreation Department, and the other proprietary departments.

Mr. Mazzella explained MDHA set up a special fund to repay the loan with \$1 million payments annually. He noted the \$1 million expectation was not accurate, and, subsequently, the collected funds were spent on other MDHA priorities.

Chairman Martinez pointed out the County Manager's response to the Inspector General's Report (Agenda Item 1D1 Supplement) noted MDHA did not have the resources to repay the loan, and the County Administration never intended for MDHA to repay the loan.

In response to Chairman Martinez's question why the special fund was set up when the County Manager explained the intent to repay never existed, Mr. Mazzella noted the County Administration always intended for MDHA to repay it.

Responding to Commissioner Sosa's question whether a memorandum or other documentation existed that established the County's intent to forgive the loan, Senior Advisor to the County Manager Cynthia Curry noted the County Administration submitted a memorandum to the County Commission in February 2006, that said MDHA would repay the \$9.6 million loan over a ten year period.

Mr. Mazzella expressed concern regarding the representations made to use surtax monies from the Trust Fund to provide affordable housing when they were used to fund shortfalls and the surtax fund functioned as a general fund. He stated internal emails clarified MDHA used this account to handle salaries and other MDHA operational expenses. He expressed concern regarding the County forgiving the \$13 million.

In response to Commissioner Sorenson's inquiry concerning the legality of the County forgiving the loans, Mr. Mazzella expressed doubt that these loans to MDHA were authorized under the Florida State Statute. He clarified the intent of the loan program and surtax was not to finance MDHA general fund operations.

Assistant County Attorney Shannon Summerset advised the County Attorney had no opinion regarding how the funds were used, however, to

the extent they were used for the rehabilitation and the acquisitional purchase of housing for low and moderate income families the loans would be proper and forgiveness would be proper.

Responding to Commissioner Sorenson's question concerning salaries and support structures being proper uses of the loans, Assistant County Attorney Summerset advised salaries were allowable to the extent that the salaries covered people doing work proffered by the State Statute.

Special Assistant to the County Manager Glazer-Moon explained when the County Commission adopted legislation in February 2006, MDHA intended to repay the loan, however, two to three months later the County Administration learned of the MDHA financial situation; when the MDHA Administration started changing the County Administration realized the funding in the special fund set up to repay the loan would be needed to continue MDHA operations and MDHA could need the County to forgive the loan. Special Assistant Glazer-Moon noted MDHA did have \$12 million and \$13 million of surtax eligible activities in two different years.

In response to Commissioner Sorenson's questions concerning the County Administration notifying the County Commission when the intent to repay the loans changed, Senior Advisor Cynthia Curry noted she was unaware of an official notification to the County Commission of that decision, however, the County Manager commented several times on the dais that he intended to recommend the County forgive the loans.

Responding to Commissioner Sorenson's inquiry concerning a possible funding source to repay the loans, Special Assistant Glazer-Moon noted the funding source would be the General Fund.

Mr. Mazzella noted, on the outset, the expenditures from the trust fund were inappropriate. He stressed that the County should audit MDHA to determine where the surtax loans went and were used before any loan was forgiven. He clarified he thought the loans should not have been made.

Senior Advisor Curry pointed out that the United States Department of Housing and Urban Development (HUD) Settlement Agreement and Work Plan (Legislative File No. 073202) that came before the County Commission on October

2, 2007, included a provision that this amount of money should be forgiven.

In response to Mr. Mazzella's recommendation that the County Administration come before the Commission for approval of forgiveness on each loan, Senior Advisor Curry clarified she did not imply that the County Commission approved forgiveness of the loans by adopting the Settlement Agreement and Work Plan, and the County Administration clearly understood a future recommendation would need to come before the County Commission to forgive the loans.

Commissioner Martinez expressed concern regarding the clarity of MDHA intending to repay the \$9.6 million loan versus the ambiguity of the decision that the loan would not be repaid.

In response to Commissioner Diaz's questions concerning the decision to forgive the loans and how the loans were used, Special Assistant Glazer-Moon pointed out MDHA had issues with the allocation of one time revenue to support operations and Federal subsidies continued to decline. She clarified the surtax funds were used to support MDHA activities performed by MDHA employees, such as vacancy preparation, rehabilitating housing units, and preparing housing units.

Senior Advisor Curry noted MDHA accessed contracts from the Office of Capital Improvements for assistance in some cases.

Following further discussion concerning MDHA's unrealistic budget, originating the loans to MDHA, and the plans to forgive the loans, Commissioner Diaz questioned the intent of the County Administration regarding these surtax loans.

Senior Advisor Curry pointed out the County Administration had not yet presented a recommendation to forgive the loans, however, the County Manager intended to present such a recommendation.

Commissioner Diaz noted he expected the County Manager's recommendation to forgive these loans to be accompanied by disciplinary action to the responsible parties for the consequences of losing over \$12 million of the people's money.

Responding to Senior Advisor Curry's comments

that the responsible parties were already removed from their positions, Commissioner Diaz asked the County Administration to demonstrate MDHA had made changes to ensure the County did not face the same problems in two or three years.

Special Assistant Glazer-Moon noted the County Administration would provide information supporting the appropriate use of the funds in any item that recommended forgiveness of the loans.

Chairman Martinez asked that the Mayor provide the County Commission with a response to the Inspector General's report regarding write-off of liabilities to the housing assistance loan trust fund. He pointed out, in 2004, MDHA used \$900,000 of surtax funds for private rentals, and in September 2004, MDHA used \$775,000 for surtax advance private rentals in duress cost payments.

In response to Chairman Martinez's question regarding the 2004 expenditures being used for private rentals, Mr. Mazzella noted MDHA provided the description of the use of those funds.

Chairman Martinez emphasized the State Statute stated the surtax funds should not be used for rent subsidies or grants, and it appeared \$1.6 million was used for those unauthorized uses.

Mr. Cedric Johnson, Supervisory Special Agent, OIG, noted the OIG understood MDHA interpreted "private rental" as Section VIII housing.

Senior Advisor Curry pointed out the County Manager sent the County Commission a memorandum dated July 11, 2006, that outlined transfers from surtax funds that did not go through a Request for Application (RFA) process, and most of the items listed in the OIG report were in this memorandum.

Following comments by Chairman Martinez and Senior Advisor Curry regarding the timeline for preparing the July 11, 2006, memorandum, Commissioner Sosa noted she was working with Florida State Senator Gwen Margolis and State House of Representatives Speaker Marco Rubio's Office to present a bill in the upcoming Legislative Session that would remove the year 2011 Sunset provision on the County's use of these surtax funds for housing. She expressed concern regarding Senator Margolis and House Speaker Rubio's support if MDHA did not repay the loans.

In response to Commissioner Sosa's inquiry concerning who was responsible to ensure the surtax funds were used within the guidelines for construction, rehabilitation, or purchase of low and moderate income housing, Senior Advisor Curry pointed out the MDHA Administration was responsible, and those individuals were no longer with the County. She clarified the County Administration was the responsible entity and the County Manager was the Administrative head in February 2006, when the loans occurred.

Commissioner Sosa clarified the County Manager was responsible to ensure the money was used properly. She emphasized the only way the County would succeed to have the Legislature remove the year 2011 Sunset provision on the County's ability to access surtax funds would be placing the proper steps to ensure the funds were used appropriately, and to repay the loan.

Mr. Mazzella recommended the OIG and other offices and departments receive a percentage cut to their budgets and divert those revenues to an account until the County had repaid the surtax loans.

Following comments by Commissioner Sorenson concerning the County deciding whether it would repay the loans and, if so, what would be the revenue source, Chairman Martinez asked Senior Advisor Curry, to prepare a report regarding how the County forgiving the surtax loans would impact the timeframe of the HUD returning the operations of the Miami-Dade Housing Agency to County control.

Commissioner Souto expressed concern regarding the County Administration's practice to transfer funds from one account to another so many times that the money could not be traced. He emphasized the County Commission needed to take care of County funds.

Responding to Commissioner Sosa's inquiry concerning the impact of the year 2011 Sunset provision not being removed, Senior Advisor Curry explained the surtax represented \$30 to \$40 million a year of revenue that supplemented home owner and other County housing programs, and the County housing programs would be devastated without the surtax revenue.

Chairman Martinez pointed out that pursuant to

the constitutional amendment on property tax approved January 29, 2008, the \$30 to \$40 million revenue projection would be lower.

Commissioner Gimenez read the following language from the fourth paragraph of the County Manager's response to the OIG report (Agenda Item 1D1 Supplement): "As I have indicated before, while the original intention may have been to repay the loans authorized by the Board of County Commissioners (Board), it has been evident for sometime that MDHA does not have the resources to meet their payment obligations." He noted in the HUD settlement agreement adopted by the County Commission on October 2, 2007, the Federal Government refused to repay the surtax loans to the County. Commissioner Gimenez pointed out that County Manager Burgess stated, on October 2, 2007, the County Administration always intended the surtax loans to be forgiven, and now the County Manager's response contradicted that statement. He expressed concern that the County Administration should have been aware of MDHA's financial struggles since 2000, and they never apprised the County Commission of the situation.

In response to Commissioner Gimenez's question whether the surtax funds were shifted to MDHA as part of their budget or through a budget line item that MDHA could access, Special Assistant Glazer-Moon noted MDHA identified activities that were surtax eligible and the surtax funds were moved into the MDHA budget for those activities.

Commissioner Gimenez noted the County Administration should have provided the surtax funds to MDHA in a way that MDHA's use of those funds could be tracked through a departmental index code.

Special Assistant Glazer-Moon pointed out MDHA did not operate on the County's financial management system and how MDHA tracked the use of the surtax funds was unknown to the County. She noted she received information that detailed the funding for types of activities that were surtax eligible.

It was moved by Commissioner Gimenez that the County Commission not forgive the loans in question until an outside firm recommended by the Inspector General or the Commission Auditor conducted a forensic audit of the Miami-Dade Housing Agency to ensure the surtax funds were

used within the limits of state statutes.

Assistant County Attorney McCarty advised Commissioner Gimenez needed to make this same motion at a County Commission meeting for it to be binding.

Discussion ensued between Committee members concerning the timeline of a forensic audit and the impact of waiting for the completion of that audit on the proposed State legislation to remove the year 2011 Sunset provision on the surtax funds.

Commissioner Gimenez clarified his intent for a forensic audit was to protect the County Commission in their fiduciary responsibility and ensure that the County would only forgive what should be forgiven.

Commissioner Sosa noted Commissioner Gimenez's motion for an audit would have a positive impact on the work being done at the Legislature to remove the year 2011 Sunset provision by demonstrating the County ensured every penny was used properly.

Discussion ensued among Committee members, Ms. Rachel Baum, Director, Finance Department, and Mr. Mazzella concerning the appropriateness of a forensic audit versus a financial audit.

Special Assistant Glazer-Moon pointed out the OIG Report did not provide additional information to the County Administration records; the County Administration was aware of the situation and was reporting information to the County Commission since 2006. She noted the County Administration was auditing MDHA to ensure eligible expenses for the surtax funds existed, and the eligible expenses would be presented to the County Commission for consideration in whether or not to forgive the surtax loans.

Following the discussion and Senior Advisor Curry's comments that KPMG conducted a forensic audit for the County, it was moved by Commissioner Gimenez that the County Commission not forgive the loans in question until an outside firm recommended by the Inspector General or the Commission Auditor conducted a forensic and/or financial audit of MDHA to ensure the surtax funds were used within the limits of State Statutes. This motion was seconded by Commissioner Diaz.

Commissioner Sorenson questioned the funding source for the audit proposed in Commissioner Gimenez's motion.

Special Assistant Glazer-Moon noted the only funding source would be the General Fund.

Chairman Martinez asked Senior Advisor Curry, to provide the Inspector General with a copy of the report of KPMG's forensic audit of the Miami-Dade Housing Agency.

Hearing no other questions or comments, the Committee proceeded to vote on Commissioner Gimenez's motion that the County Commission not forgive the loans in question until an outside firm recommended by the Inspector General or the Commission Auditor conducted a forensic and/or financial audit of MDHA to ensure the surtax funds were used within the limits of State statutes, and upon being put to a vote, passed by a vote of 6-0.

1D1 SUPPLEMENT

080373 Supplement

SUPPLEMENTAL INFORMATION RE: MANAGER'S RESPONSE RELATING TO THE IG REPORT

Presented

Report: See Report Under Agenda Item 1D1, Legislative File No. 080372.

2 COUNTY COMMISSION

2A

080321 Resolution

Bruno A. Barreiro

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI-DADE ELECTIONS DEPARTMENT FOR THE FEBRUARY 10, 2008 MIAMI KIDNEY WALK 2008 SPONSORED BY THE NATIONAL KIDNEY FOUNDATION, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,566.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Second: Sorenson
Vote: 6-0

2B

080325 Resolution Audrey M. Edmonson

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND THE MIAMI DADE ELECTIONS DEPARTMENT FOR THE JANUARY 28 - FEBRUARY 2, 2008 PARENTS AGAINST VIOLENCE EVENT SPONSORED BY REGIS HOUSE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,290.00 TO BE FUNDED FROM THE DISTRICT 3 IN-KIND RESERVE FUND

*Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 6-0*

2C

080269 Resolution Carlos A. Gimenez,

Rebeca Sosa, Dorrin D. Rolle

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION ALLOWING VOTERS WITH NO PARTY AFFILIATION TO VOTE IN ANY PARTY PRIMARY

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 5-1
No: Martinez*

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Gimenez that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sosa.

Commissioner Gimenez clarified that this proposed resolution would only provide for registered voters who had no party affiliation to vote in Presidential Primary elections, and that the Independent Party was considered an official political party and would be excluded.

Commissioners Sosa and Souto asked that they be listed as co-sponsors.

Hearing no other questions or comments, the Committee proceeded to vote.

2D

080319 Resolution

Carlos A. Gimenez

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT, THE MIAMI DADE FIRE RESCUE DEPARTMENT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE FEBRUARY 10, 2008 WALK NOW FOR AUTISM EVENT SPONSORED BY AUTISM SPEAKS, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$23,345.00 TO BE FUNDED IN PART FROM THE COUNTYWIDE IN-KIND RESERVE FUND AND IN PART FROM THE NON-AD VALOREM PORTION OF THE FIRE RESCUE DISTRICT IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Secunder: Sosa

Vote: 6-0

2E

080227 Resolution Sally A. Heyman
RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING TAX COLLECTORS WITH ADDITIONAL TOOLS TO COLLECT ON DELINQUENT TANGIBLE PERSONAL PROPERTY TAXES *No Action Taken*

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Sosa questioned whether the County had previously contracted with a private attorney to collect delinquent taxes.

Mr. Fernando Casamayor, Tax Collector, responded that the County had not previously used private counsel to collect delinquent taxes; Florida State Statute did not allow that method of tax collection.

Responding to Commissioner Sosa's question concerning the delinquent taxes coming back to the County, Mr. Casamayor noted similar legislation that had been proposed at the Florida Legislature would allow the collection agent to add a premium of up to 18 percent of the delinquent taxes to fund collection activities, and this method of tax collection would have no fiscal impact to the County. He pointed out, presently, the County's only method to collect taxes was to seize and sell the property.

Following further questions from Chairman Martinez regarding the value of delinquent taxes in the County, Chairman Martinez called for a motion.

Assistant County Attorney Jess McCarty apprised the Committee that no action was equivalent to deferring this proposed resolution to the next Committee meeting.

2F

080242 Resolution Sally A. Heyman
RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION INCREASING THE STATUTORY FEE FOR SERVICE OF PROCESS TO BETTER REFLECT THE ACTUAL COST OF SERVICE OF PROCESS *Forwarded to BCC with a favorable recommendation*
Mover: Sorenson
Seconder: Gimenez
Vote: 6-0

2G

080273 Resolution

Sally A. Heyman,

Bruno A. Barreiro

RESOLUTION APPROVING THE DESIGNATION OF U.S. HIGHWAY 1/BISCAYNE BOULEVARD BETWEEN NE 135TH STREET AND NE 151ST STREET AS "SIGMUND ZILBER MEMORIAL HIGHWAY"; URGING THE CITIES OF NORTH MIAMI AND NORTH MIAMI BEACH TO APPROVE THE DESIGNATION

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 5-0

Absent: Sorenson

2H

080283 Resolution

Sally A. Heyman,

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING COVERAGE FOR TREATMENTS FOR AUTISM UNDER HEALTH INSURANCE POLICIES

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Gimenez

Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioners Souto, Gimenez, Diaz, Sosa, and Chairman Martinez asked that they be listed as co-sponsors.

Hearing no other questions or comments, the Committee proceeded to vote.

2I

080316 Resolution Sally A. Heyman,
Carlos A. Gimenez, Joe A. Martinez, Dennis C. Moss,
Rebeca Sosa

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT AND MIAMI-DADE POLICE DEPARTMENT FOR THE APRIL 26, 2008 WALK AMERICA EVENT SPONSORED BY THE MARCH OF DIMES FOUNDATION, INC. A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$28,223.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 6-0

2J

080181 Resolution Sen. Javier D. Souto

RESOLUTION URGING MIAMI-DADE COUNTY PUBLIC SCHOOLS TO REJECT PROPOSALS TO CLOSE CERTAIN HIGH-PERFORMING SCHOOLS

Forwarded to BCC with a favorable recommendation
Mover: Souto
Seconder: Gimenez
Vote: 3-2
No: Sorenson, Diaz
Absent: Sosa

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Souto that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez.

Commissioner Sorenson pointed out Miami-Dade County Public Schools was no longer considering the plan to close high-performing schools.

Following further discussion, the Committee proceeded to vote.

2K

080187 Resolution

Joe A. Martinez,

Jose "Pepe" Diaz, Sally A. Heyman, Katy Sorenson
RESOLUTION URGING THE FLORIDA LEGISLATURE
TO REQUIRE RESTAURANTS THAT HAVE TEN OR
MORE LOCATIONS IN FLORIDA TO POST NUTRITION
INFORMATION FOR ALL STANDARD MENU ITEMS ON
MENUS AND MENU BOARDS

*Forwarded to BCC with a favorable
recommendation*

Mover: Martinez

Seconder: Sorenson

Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the
foregoing proposed resolution into the record.*

*Chairman Martinez relinquished the Chair to Vice-
Chairman Gimenez.*

*It was moved by Commissioner Martinez that this
proposed resolution be forwarded to the County
Commission with a favorable recommendation.
This motion was seconded by Commissioner
Sorenson.*

*Commissioners Diaz and Sorenson asked that they
be listed as co-sponsors.*

*Following further discussion among
Commissioners Diaz, Martinez, and Sosa
regarding the implementation of this proposed
resolution, the Committee proceeded to vote.*

2L

080401 Resolution**Joe A. Martinez,****Jose "Pepe" Diaz**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SB 800, HB 531 OR SIMILAR LEGISLATION ALLOWING FORENSIC EMPLOYEES OF MEDICAL EXAMINER OFFICES AND LAW ENFORCEMENT AGENCIES TO PURCHASE ADDITIONAL RETIREMENT CREDITS TO UPGRADE THEIR PREVIOUS SERVICE IN THE FLORIDA RETIREMENT SYSTEM TO SPECIAL RISK SERVICE AND AUTHORIZING BUT NOT REQUIRING EMPLOYERS TO PURCHASE UPGRADED CREDIT ON BEHALF OF SUCH EMPLOYEES

Forwarded to BCC with a favorable recommendation

Mover: Martinez

Seconder: Diaz

Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Martinez that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Diaz.

Commissioner Martinez explained this proposed resolution would not have a fiscal impact on the County. He clarified forensic employees previously had special risk status; they handled blood samples before the knowledge of AIDS without special risk status. He noted that newly hired forensic employees had special risk status.

In response to Commissioner Sosa's request concerning clarification regarding the County's liability, Special Assistant to the County Manager Jennifer Glazer-Moon clarified the employers were only liable if they chose to purchase the upgraded credit; employers were not required to purchase the upgraded credit. She noted the County estimated the fiscal impact to the County would be \$450,000 for last two years if the County Commission adopted legislation to purchase the upgraded credit.

Commissioner Diaz asked that he be listed as a co-sponsor.

Hearing no other questions or comments, the Committee proceeded to vote.

2M

080264 Resolution Dennis C. Moss

RESOLUTION DIRECTING THE MAYOR OR HIS
DESIGNEE TO PREPARE A REPORT CONCERNING THE
EXISTING POLICIES PERTAINING TO MAINTENANCE
AND CLEANLINESS OF COUNTY VEHICLES AND
APPEARANCE OF COUNTY-ISSUED UNIFORMS

*Forwarded to BCC with a favorable
recommendation*

Mover: Diaz

Seconder: Sosa

Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the
foregoing proposed resolution into the record.*

*It was moved by Commissioner Diaz that this
proposed resolution be forwarded to the County
Commission with a favorable recommendation.
This motion was seconded by Commissioner Sosa.*

*Commissioner Gimenez asked the General
Services Administration Director to provide a
status report of the vehicle fleet reduction at the
March 11, 2008, Budget and Finance Committee
meeting.*

*Following further discussion among
Commissioners Sorenson and Martinez and Ms.
Norris regarding the current practices and
existing policies for cleanliness of County vehicles,
the Committee proceeded to vote.*

2N

080267 Resolution **Dennis C. Moss,**
Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman,
Joe A. Martinez, Rebeca Sosa, Sen. Javier D. Souto, Dorrin
D. Rolle, Katy Sorenson

RESOLUTION URGING GOVERNOR CHARLIE CRIST,
THE FLORIDA LEGISLATURE AND THE
COMMISSIONER OF THE OFFICE OF INSURANCE
REGULATION TO TAKE ALL STEPS NECESSARY TO
ENSURE THAT INSURANCE COMPANIES WRITING
PROPERTY INSURANCE POLICIES IN FLORIDA
COMPLY WITH HB 1-A AND PASS SAVINGS ON TO
POLICYHOLDERS

*Forwarded to BCC with a favorable
recommendation*
Mover: Sosa
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the
foregoing proposed resolution into the record.*

*It was moved by Commissioner Sosa that this
proposed resolution be forwarded to the County
Commission with a favorable recommendation.
This motion was seconded by Commissioner Diaz.*

*Commissioners Diaz, Gimenez, Souto, Sosa,
Sorenson, and Chairman Martinez asked that they
be listed as co-sponsors.*

*Hearing no other questions or comments, the
Committee proceeded to vote.*

2O

080318 Resolution **Dennis C. Moss,**
Katy Sorenson

RESOLUTION RETROACTIVELY AUTHORIZING IN-
KIND SERVICES FROM THE MIAMI-DADE PARK AND
RECREATION DEPARTMENT AND THE MIAMI-DADE
TRANSIT AGENCY FOR THE OCTOBER 12, 2007
CANDLELIGHT WALK AND STAND AGAINST CRIME
SPONSORED BY POLICE OFFICER ASSISTANCE TRUST
INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN
AMOUNT NOT TO EXCEED \$4,414.00 TO BE FUNDED
FROM THE DISTRICT 8 AND DISTRICT 9 IN-KIND
RESERVE FUNDS

*Forwarded to BCC with a favorable
recommendation*
Mover: Diaz
Seconder: Sosa
Vote: 6-0

2P

080045 Resolution **Dorrin D. Rolle** *Withdrawn*
RESOLUTION DIRECTING THE COUNTY MANAGER TO
DEVELOP A PROCEDURE TO ESTABLISH A MORE
EQUITABLE DISTRIBUTION OF COUNTY SURPLUS
PROPERTY TO ELIGIBLE COMMUNITY BASED
ORGANIZATIONS

Report: *See Report Under Agenda Item 2P AMENDED,
Legislative File No. 080458.*

2P AMENDED

080458 Resolution **Dorrin D. Rolle**

RESOLUTION DIRECTING THE MAYOR OR HIS DESIGNEE TO DEVELOP A PROCEDURE TO ESTABLISH A MORE EQUITABLE DISTRIBUTION OF COUNTY SURPLUS PROPERTY TO ELIGIBLE COMMUNITY BASED ORGANIZATIONS [SEE ORIGINAL ITEM UNDER FILE NO. 080045]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Diaz
Seconder: Souto
Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the forgoing proposed resolution into the record. He advised the Committee that a scrivener's error existed and should be corrected to change "County Manager" to "Mayor or his designee" throughout this proposed resolution.*

It was moved by Commissioner Diaz that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to change "County Manager" to "Mayor or his designee." This motion was seconded by Commissioner Souto.

In response to Commissioner Gimenez's request for an explanation of the procedure that should be developed pursuant to this proposed resolution, Commissioner Rolle clarified this proposed resolution directed the Mayor to develop a more equitable method of distributing surplus County property that would not have most of the surplus items going to a few Commission Districts; he noted he did not have a particular way to see this accomplished.

Ms. Wendi Norris, Director, General Services Administration, noted surplus properties were distributed as they became available, and she did not know of an equitable way to distribute them.

Chairman Martinez asked Ms. Norris to provide each Commissioner a report of each Commission District's requests for surplus property and include the type of vehicles each Commissioner had requested before this resolution was considered by the County Commission.

Hearing no other questions or comments, the Committee proceeded to vote.

2P SUPPLEMENT

080434 Supplement

SUPPLEMENT TO AGENDA ITEM REGARDING RESOLUTION DIRECTING THE COUNTY MANAGER TO DEVELOP A PROCEDURE TO ESTABLISH A MORE EQUITABLE DISTRIBUTION OF COUNTY SURPLUS PROPERTY TO ELIGIBLE COMMUNITY BASED ORGANIZATIONS

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Martinez

Vote: 6-0

2Q

080343 Resolution

Dorrin D. Rolle,

Katy Sorenson, Audrey M. Edmonson

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS THE "FLORIDA RESTAURANTS LENDING A HELPING HAND ACT"

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Martinez

Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Gimenez that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Chairman Martinez.

Commissioner Sorenson asked that she be listed as a co-sponsor.

Hearing no other questions or comments, the Committee proceeded to vote.

2R

080326 Resolution **Rebeca Sosa,**
Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman,
Joe A. Martinez, Katy Sorenson, Sen. Javier D. Souto,
Audrey M. Edmonson, Dennis C. Moss

RESOLUTION URGING THE FLORIDA LEGISLATURE
 AND TAXATION & BUDGET REFORM COMMISSION
 TO PLACE ON THE STATEWIDE BALLOT A
 CONSTITUTIONAL AMENDMENT STRENGTHENING
 THE PROVISION OF THE FLORIDA CONSTITUTION
 PROHIBITING UNFUNDED MANDATES

*Forwarded to BCC with a favorable
 recommendation*

Mover: Sosa

Seconder: Gimenez

Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the
 foregoing proposed resolution into the record.*

*It was moved by Commissioner Sosa that this
 proposed resolution be forwarded to the County
 Commission with a favorable recommendation.
 This motion was seconded by Commissioner
 Gimenez.*

*Commissioners Diaz, Gimenez, Souto, Sosa,
 Sorenson, and Chairman Martinez asked that they
 be listed as co-sponsors.*

*Commissioner Sorenson pointed out the
 Taxpayer's Bill of Rights (TABOR) failed in
 Colorado.*

*In response to Commissioner Sorenson's
 comments concerning the Taxation & Budget
 Reform Commission (TBRC), Assistant County
 Attorney Jess McCarty advised the TBRC had the
 ability to place a question directly on the ballot,
 however, he was not sure whether the TBRC would
 place its proposal directly on the ballot or send it
 through the Florida Legislature. He explained the
 TBRC proposal would impose additional spending
 caps on local governments and the State for ad
 valorem revenue and fee generated revenue, and
 set a base year and capped increases in spending
 to population growth and the rate of inflation;
 local governments and the State would have to
 stay within the cap and excess revenue would be
 placed in a reserve fund or reduce taxes. He
 pointed out Colorado had suspended TABOR.*

*Commissioner Sorenson pointed out Colorado
 suspended TABOR when citizens demand a higher
 quality of life than provided by the level of taxes.
 She questioned the logic of Florida implementing
 a program that another state had shown was a
 failure.*

Commissioner Sosa emphasized the public needed to know tax dollars were being spent on mandates that did not have proper funding. She noted she would send letters to each municipality requesting their support on this issue.

Hearing no other questions or comments, the Committee proceeded to vote.

3 DEPARTMENTS

3A

080345 Resolution

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY (FLORIDA) EDUCATIONAL FACILITIES AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$385,000,000 TO FINANCE CAPITAL PROJECTS FOR THE BENEFIT OF UNIVERSITY OF MIAMI FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (Educational Facilities Authority)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 6-0

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Gimenez that this proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Chairman Martinez.

Chairman Martinez emphasized the issuance of the bonds would have no fiscal impact on the County since the principal and interest would not constitute a debt, liability or a general obligation to the Educational Facilities Authority, Miami-Dade County, the State of Florida or any political subdivision of each, but would be payable solely from the revenues of the University of Miami.

Hearing no other questions or comments, the Committee proceeded to vote.

3B

080192 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AND ASSIGNMENT OF LEASE AGREEMENT AT 1313 N.W. 36 STREET, GROUND FLOOR, MIAMI, WITH GOLDEN SANDS ALLAPATTAH CORP., A FLORIDA CORPORATION, FOR PREMISES TO BE UTILIZED BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT, FOR ADMINISTRATIVE OFFICES, A PHARMACY, AND FOR THE STORAGE OF MEDICATION FOR THE PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Souto

3C

080256 Resolution

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR THE REQUEST FOR QUALIFICATIONS TO OBTAIN HOMELAND SECURITY CONSULTING SERVICES (RFQ 98) (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 5-0
Absent: Souto

3D

080309 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department)

Forwarded to BCC with a favorable recommendation

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

In response to Commissioner Sorenson's comments that the United States Department of Housing and Urban Development (HUD) Oversight Administrator had expressed concern regarding Item 3.7: Emphasys Computer Solution Optimization Standard Consulting Services, Ms. Miriam Singer, Director, Department of Procurement Management, pointed out the HUD Oversight Administrator certified this emergency, and Item 3.7 was a ratification of an emergency contract award. She clarified all emergencies were issues by department directors.

Commissioner Sosa asked Assistant County Attorney Jess McCarty to prepare legislation requiring the County Administration to report any performance and compliance violations by the companies recommended for award in any procurement item.

Responding to Commissioner Sosa's inquiry concerning any vendors in this proposed resolution that had performance or compliance violations, Ms. Singer pointed out Lanzo Construction Co. Inc. (Item 3.8) had previous compliance issues, and Banks Enviro Cleaning Inc. (Item 3.9) had living wage violations that were now resolved.

Commissioner Sosa asked the Department of Procurement Management Director to provide a report, before this proposed resolution came before the County Commission, outlining the performance and compliance history on County contracts, including any reported violations of the companies recommended in this proposed resolution. She requested Chairman Martinez allow the Budget and Finance Committee to hold a Responsibility Legislation workshop to allow Committee members to provide input and develop a meaningful responsibility policy that could be

implemented consistently in each department.

Chairman Martinez noted he would amend this proposed resolution to remove the Delegative Authority provision in this proposed resolution to remove the authority to renew contracts without them coming to the County Commission for consideration.

Discussion ensued between Commissioner Diaz and Ms. Singer regarding his concern with the number of emergency contracts, the difference in the contract amounts from the original contracts, and the process followed to award the emergency contracts in this proposed resolution.

Commissioner Gimenez asked to bifurcate Items 6.1 and 6.2 for their use of People's Transportation Plan (PTP) funds. He noted an editorial in the Miami Herald blamed the County Commission for the shortfalls in the North Corridor. He pointed out the County Administration lobbied for most of the PTP monies allocated outside the PTP promises.

Chairman Martinez clarified the Miami Herald editorial board blamed the County Commission for every PTP expenditure. He assumed responsibility for the PTP funds used on the Patriot Passport. He emphasized that the Miami Herald failed to acknowledge almost every item requesting the use of PTP funds was presented by the County Administration.

It was moved by Commissioner Gimenez that the foregoing proposed resolution be bifurcated to remove Items 6.1 and 6.2, "Lubricant and Diesel Fuel Analysis" and "Synthetic Transmission Fluid," respectively. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 6-0.

Responding to Commissioner Sorenson's inquiry concerning the recommendation of Lanzo Construction Co., Inc, notwithstanding their history of compliance violations, Ms. Singer explained the existing legislation at the time of the violation allowed vendors the opportunity to make up Community Small Business Enterprise goals, and the opportunity to pay employees and applicable fees after Small Business Development's audit.

It was moved by Commissioner Sorenson that this proposed resolution be bifurcated to remove Item

3.8: *Repair of 4th Street Force Main. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 6-0.*

Responding to Chairman Martinez's concerns regarding the Delegative Authority and option-to-renew (OTR) provisions, Ms. Singer explained OTR provisions were needed for workload management to allow market research to affirm renewing the contract was in the best interest of the County. She pointed out the Department of Procurement Management had time frames for establishing new contracts and bringing every OTR before the County Commission for approval would be very difficult.

Following further discussion between Chairman Martinez and Ms. Singer regarding the County Administration bringing contracts before the County Commission when OTRs were exercised, Commissioner Sosa spoke in opposition to the County returning to procurement practices that would delay the process.

In response to Chairman Martinez's question concerning contracts coming before the County Commission when the Mayor or his designee exercised the OTR, Ms. Singer noted the contracts would not come before the County Commission unless they would exceed the \$1 million threshold of authority to award contracts without County Commission approval.

Chairman Martinez questioned which County Department would transport the deceased bodies after the contract in Item 3.2 expired.

Ms. Singer noted the Medical Examiner's Office was preparing to transport the deceased bodies.

Responding to Chairman Martinez's question concerning why Item 3.4: Head Start Education and Childhood Development Administration did not come before the County Commission before the July 31, 2007, expiration date, Ms. Singer explained the contract in Item 3.4 was a Community Action Agency (CAA) contract and the Department of Procurement Management recently assumed responsibility for CAA contracts.

Ms. Julie Edwards, Director, CAA, noted CAA realized shortly before the contract expired a concern existed regarding continuation of services in Little Haiti. She explained the prior Request for Proposals (RFP) process yielded no response, and

the only resolution was to issue an emergency contract.

Chairman Martinez asked Assistant County Attorney Jess McCarty to draft a cover memorandum with Resolution No. R-841-06, Legislative File No. 061720, addressed to the Mayor, the County Manager, and the Department Directors.

Chairman Martinez expressed concern regarding the unresolved October 19, 2007, Notice of Violation (NOV) for the vendor awarded the contract in Item 3.9: Janitorial Services for Water and Sewer Department (WASD).

Ms. Singer noted the October 19, 2007, NOV was for one employee on a cashiers check. She pointed out County Commission policies for compliance allowed for a cure period.

Chairman Martinez asked Ms. Singer to prepare a report regarding Items 4.1, 4.2, and 4.3 to include the number of hours the vendor provided the services, the hourly rate the County paid for the services, and the hourly pay rate for the security guards.

Discussion ensued between Chairman Martinez and Ms. Singer regarding the issues concerning RFP no. 516, in Item 4.5, detailed on handwritten page 39, and the time required to address those issues.

It was moved by Commissioner Gimenez that this proposed resolution be bifurcated to remove the Delegated Authority provision on handwritten page one (1). This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 6-0.

It was moved by Commissioner Sosa that this proposed resolution be forwarded to the County Commission with a favorable recommendation with Committee amendment(s) to remove Items 3.8, 6.1, and 6.2, and to delete the Delegated Authority provision on handwritten page one (1). This motion was seconded by Commissioner Souto, and upon being put to a vote, passed by a vote of 6-0.

Following further discussion regarding the vendor having completed the project in Item 3.8, and the need for the County Commission to ratify this contract to avoid breach of contract, it was moved

by Commissioner Diaz that Item 3.8: Repair of 4th Street Force Main be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Chairman Martinez, and upon being put to a vote, passed by a vote of 5-1 (Commissioner Sorenson voted "no").

Regarding Items 6.1 and 6.2, Assistant County Manager Ysela Llort clarified these contracts would continue the practice of maintaining, rehabilitating, and operating new services pursuant to the PTP. She emphasized the negative impacts of withholding oil and lubricants to Transit buses.

Following further discussion concerning the percentage of the funds in Items 6.1 and 6.2 that would come from the PTP, and why Commissioner Gimenez opposed the use of PTP funds, it was moved by Commissioner Diaz that Item 6.1: Lubricant and Diesel Fuel Analysis, and Item 6.2: Synthetic Transmission Fluid, be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sorenson, and upon being put to a vote passed 4-2 (Commissioners Gimenez and Sosa voted "no"). Following further discussion on the use of PTP funds, Commissioners Gimenez and Sosa changed their votes to "yes," and the foregoing motion passed by a vote of 6-0.

Chairman Martinez emphasized the Delegative Authority provision was a budget issues.

It was moved by Commissioner Gimenez that the Delegated Authority provision on handwritten page one (1) be forwarded to the County Commission with a favorable recommendation, with the direction that the Department of Procurement Management Director meet with every Commissioner, before this proposed resolution was considered by the County Commission, to discuss recommended changes to the delegated authority provision of this proposed resolution. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 5-1 (Chairman Martinez voted "no").

It was moved by Commissioner Gimenez that the Mayor or his designee be directed to provide a report outlining any use of the PTP surtax funds outside the original scope of the PTP, and copies of the documents originating and approving the use of those surtax funds. This motion was seconded by Chairman Martinez.

Assistant County Manager Ysela Llord noted the foregoing requested report should include how PTP funds were calculated at the end of the fiscal year.

Commissioner Gimenez pointed out he had requested a status report outlining how the \$397 million needed to rehabilitate the existing transit system from the PTP was used; how the amount escalated from \$397 million to \$660 million, and how high PTP spending was projected to be in the future.

3E

080315 Resolution

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, CONTRACT MODIFICATIONS AND AWARD OF COMPETITIVELY BID CONTRACTS OF OTHER GOVERNMENTAL ENTITIES FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

Forwarded to BCC

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

It was moved by Commissioner Gimenez that the foregoing proposed resolution be bifurcated to remove the use of People's Transportation Plan (PTP) Surtax Funds in all Items of this proposed resolution. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 6-0.

In response to Commissioner Diaz's inquiry concerning the impact of the foregoing motion, Assistant County Manager Ysela Llort explained no money would be available for the transit system to use on fuel and oil, and the transit system would become much smaller.

Commissioner Diaz questioned when the County Commission previously approved the use of these PTP funds.

Assistant County Manager Llort explained the Commission approved a budget for transit that included the PTP and General Fund as funding sources and an operating plan. She pointed out the financial impact made it difficult to introduce a different fiscal philosophy for the operating plan in the middle of a fiscal year, unless the Commission allocated other funds for transit.

Following further discussion concerning the higher than anticipated cost of diesel fuel and other questionable uses of PTP funds, Chairman Martinez questioned the warranty for new buses and noted the County should not pay for parts on new buses.

Assistant County Manager Llort explained the bus parts were for buses being used on new, expanded routes and increased operations from expanded hours of service.

Commissioner Sosa suggested the Committee forward the items in this proposed resolution that used PTP funds to the County Commission without recommendation to allow the County Administration to answer all the questions when these items were considered by the County Commission.

Regarding Item 1.2 of this proposed resolution, Chairman Martinez expressed concern regarding the increase in the contract amount from \$14 million for six-years to \$4.6 million for one-year.

Ms. Miriam Singer, Director, Department of Procurement Management, indicated this proposed contract represented an 18 to 24 percent increase from the previous contract. She noted these figures matched the Departments findings through market research.

Chairman Martinez indicated the contract increase was nearly 100 percent; \$4.6 million for six years would be \$27.6 million.

An unidentified County employee indicated the 18 to 24 percent increase was based on the increase in the annualized basis and the labor rate from the last quarter of the six-year contract.

Following further discussion concerning the availability of County employees to do the work in Item 1.2, and the parts being covered by manufacturer's warranties, Commissioner Sorenson emphasized the importance of improving the transit system. She suggested the County Commission start holding meetings to revisit the pro forma for the Transit Agency.

It was moved by Commissioner Gimenez that this proposed resolution be forwarded to the County Commission with a favorable recommendation with committee amendment(s) to bifurcate all items that included the use of PTP Surtax Funds. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 6-0.

It was moved by Commissioner Gimenez that all items in this proposed resolution that included the use of PTP Surtax Funds be forwarded to the County Commission without recommendation. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed 6-0.

- 4 COUNTY MANAGER
- 5 COUNTY ATTORNEY
- 6 CLERK OF THE BOARD
- 7 REPORTS

080722 Report
NON AGENDA ITEMS

Report: *Commissioner Gimenez asked Special Assistant to the County Manager Jennifer Glazer-Moon to provide a report at the March 11, 2008, Budget and Finance Committee meeting regarding the impact to the County of the constitutional amendment to property tax approved January 29, 2008.*

Responding to Commissioner Gimenez's directive, Special Assistant Glazer-Moon noted the five-year financial outlook that was distributed in December 2007, included the impact to the County of the constitutional amendment to property tax.

Commissioner Gimenez asked Special Assistant to the County Manger, Jennifer Glazer-Moon, to provide a report at the March 11, 2008, Budget and Finance Committee meeting concerning the County Administration's plans to absorb the impact of the constitutional amendment to property tax approved January 29, 2008.

Special Assistant Glazer-Moon pointed out the County would absorb the impact of the constitutional amendment based on the Commission's budget priorities. She pointed out the financial impact would be approximately \$97 million of less revenue.

In response to Commissioner Gimenez's inquiry concerning the assumed growth in the tax roll, Special Assistant Glazer-Moon noted the five-year plan assumed 8 percent growth, however, the County needed to analyze the assumption for personal income growth and new construction. She stated the County Administration assumed a 5.5 percent combined growth in personal income and new construction.

8 ADJOURNMENT

Report: *There being no other business to come before the Committee, the meeting adjourned at 5:26 p.m.*