MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

HPSC
Agenda Item No:
6(A) Substitute

TO: Honorable Chairman Moss and Members of the Health and Public Safety Committee

DATE: November 13, 2008

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

SUBJECT: Approval of Commission Committee Minutes

The following Clerk's Summary of Minutes is submitted by the Clerk of the Board for approval by the Health and Public Safety Committee.

- October 16, 2008

Attachment
KMS/msy

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

CLERK'S SUMMARY OF

Meeting Minutes

Health and Public Safety Committee

Dennis C. Moss (9) Chair; Rebeca Sosa (6) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Carlos A. Gimenez (7), Sally A. Heyman (4), and Javier D. Souto (10)

Thursday, October 16, 2008 **2:00 PM** **COMMISSION CHAMBERS, SPCC**

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Dennis C. Moss, Rebeca Sosa.

Members Absent: Sally A. Heyman, Javier D. Souto.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Mary Smith-York, Commission Reporter*
(305) 375-1598

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Manager Alina Hudak, Assistant County Attorney Gerald Sanchez, and Deputy Clerks Jovel Shaw and Mary Smith-York.*

Assistant County Attorney Gerald Sanchez requested that Agenda Item 3C Supplement be added to today's agenda, as reflected in the County Manager's Memorandum of Changes to the Health and Public Safety Committee Agenda.

It was moved by Commissioner Gimenez that the agenda be accepted with the requested changes in the County Manager's memorandum entitled "Requested Changes to the Health and Public Safety Committee Agenda," dated October 16, 2008, as presented by Assistant County Attorney Sanchez. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 4-0 (Commissioners Souto and Heyman were absent).

Chairman Moss welcomed committee members, County staff and everyone present at today's proceedings. He advised the committee would consider items that required action first, and would consider discussion items.

1D DISCUSSION MATTERS

1D1

082160 **Discussion Item** **Dennis C. Moss**

MENTAL HEALTH ISSUES ***Presented***

Report: *In response to Commissioner Sosa's request that the foregoing discussion item be deferred to allow Commissioner Souto an opportunity to participate in the discussion, Chairman Moss advised that this item would be heard today in consideration of those individuals present from the primary healthcare facilities. He invited Commissioner Sosa to raise her concerns again at a later committee date. Chairman Moss expressed his appreciation to Honorable Judge Leifman for his participation and leadership in this important initiative.*

Honorable Judge Steve Leifman appeared and expressed his gratitude to the County for taking leadership on this issue. He provided a brief overview of the measures implemented by the Mayor's Mental Health Task Force (MMHTF). He noted Miami-Dade County had the highest percentage of people with mental health issues than any other urban area in the United States, and advised that the County spent over $100,000 daily to house this population. Judge Leifman noted the County's jails had become the largest psychiatric facilities in the State of Florida. He advised that over 1,800 police officers had been trained for proper handling of mental health cases, which resulted in fewer arrests of mentally ill persons and fewer injuries to officers. Judge Leifman stated the Legislature provided a facility located on 22nd Street and 7th Avenue at a cost of $1.00 per year for 99 years. He noted a bond, in the amount of $22 million, was issued to upgrade this facility to a forensic diversion facility, and efforts were being made to enlist the State's help in dealing with the critical issue of providing appropriate housing for mentally ill individuals. Judge Leifman named several entities that were involved in addressing this issue, including Miami-Dade Homeless Trust and Jackson Memorial Hospital. He advised that, at the committee's request, the MMHTF would reconvene and respond to the recommendations in the Second Grand Jury Report.
Chairman Moss expressed his appreciation to Judge Leifman for his leadership and commitment to resolving the mental health issues in Miami-Dade County.

Commissioner Sosa noted she would consider Judge Leifman's suggestion to reconvene the MMHFT to address the Second Grand Jury Report.

1D2

082405 **Discussion Item** **Dennis C. Moss**

BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDING FOR PRIMARY HEALTH CARE FACILITIES

Presented

Report: *Ms. Janet Perkins, Director, Office of Countywide Healthcare Planning (OCHP), provided a brief overview of the County's investment in the infrastructure necessary to accommodate the needs for primary health care in this community. She noted due to the extent of uncompensated care and the level of uninsured persons, community partners were needed to leverage resources. Ms. Perkins noted this partnership consisted of a broad spectrum of community members, including the Public Health Trust (PHT) and the Miami-Dade Health Department. She provided an overview of the strategic plan developed by the OCHP to address the primary health care concerns within the County.*

Mr. Christopher Mazzella, Inspector General, summarized his findings on issues related to the County's use of the Building Better Communities General Obligation Bond (GOB) to fund primary health care facilities. He noted Mayor Alvarez and Commissioners Sosa and Souto requested that he investigate concerns raised regarding the allocation of funds from the GOB program to a particular health care facility. Mr. Mazzella provided a historical overview of the voter approved ballot governing disbursement of funds for emergency healthcare facilities. He advised the language in the ballot stated that funds were to be used to construct and improve emergency healthcare facilities at Jackson Memorial Hospital (JMH) and Jackson South; and to promote accessibility to quality healthcare services described in Resolution 916-04, adopted July 20, 2004. He noted his investigation was based on the following questions: 1) Did Commissioner Sosa have any specific role in advocating the allocation of $1.9 million in funds to the Borinquen Healthcare Center (BHC)?; and 2) Did the GOB ballot questions adequately describe the fact that $25 million would be allocated to non-JMH facilities? Mr. Mazzella advised that with respect to question number one, his findings indicated that Commissioner Sosa did not advocate specifically for BHC; and, with respect to question number two, his findings indicated that a literal reading of the ballot question could cause confusion and

equivocation among voters, since there was no specific mention of which primary care facilities would receive the $25 million.

Chairman Moss noted the Inspector General's report validated Commissioner Sosa's claim that she was not involved with the process for the selection of Borinquen Healthcare Facility to receive an allocation of GOB funds. He asked those members of the primary health care community to stand and be recognized.

Commissioner Sosa expressed her appreciation to Mr. Mazzella for pointing out that the language on the ballot question was unclear and misleading. She explained her initial intent was to ensure healthcare was provided to an area that had no facility.

2 COUNTY COMMISSION

2A

082821 **Resolution** **Dorrin D. Rolle**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE FIRE RESCUE DEPARTMENT FOR THE AUGUST 29-30, 2008 "MIAMI SPORTS KICK-OFF CLASSIC" SPONSORED BY MIAMI-DADE SPORTS COMMISSION INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $1,840.00 TO BE FUNDED FROM THE NON-AD VALOREM PORTION OF THE FIRE RESCUE DISTRICT BUDGET

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3 DEPARTMENT

3A

082627 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AND ASSIGNMENT OF LEASE AGREEMENT AT 315 N.W. 27 AVENUE, 301 N.W. 27 AVENUE, 2609 N.W. 3 STREET, 2621 N.W. 3 STREET, AND 302-304 N.W. 26 AVENUE, MIAMI, WITH SUNNY MANAGEMENT, INC., A FLORIDA CORPORATION, FOR PREMISES TO BE UTILIZED BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT FOR ITS REFUGEE ASSISTANCE PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S 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: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3B

082688 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A SUB-LEASE AGREEMENT AT THE MIAMI-DADE COUNTY HERBERT S. SAFFIR PERMITTING AND INSPECTION CENTER, 11805 S.W. 26 STREET, MIAMI, WITH STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT, BUREAU OF ENVIRONMENTAL HEALTH, FOR PREMISES TO BE UTILIZED AS A PERMITTING OFFICE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S 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: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3C

082908 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE, IN THE AMOUNT OF $4,925,662.00 BETWEEN ROLLINS LEASING CORPORATION, A DELAWARE CORPORATION AND A SUBSIDIARY OF PENSKE TRUCK LEASING COMPANY, L.P., AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER OF APPROXIMATELY 5.72 ACRES OF IMPROVED AND VACANT PROPERTY LOCATED AT 8141 NW 80TH STREET, MEDLEY, FLORIDA, AND RELATED EQUIPMENT, FOR THE PROVISION OF FIRE RESCUE VEHICLE MAINTENANCE SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

Amended

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

In response to Commissioner Sosa's inquiry of the cost for removal of the total contamination from this site, Ms. Wendi Norris, Director of General Services Administration (GSA), stated the seller would be responsible for the entire cleanup process. She advised that the Miami-Dade Fire Department (MDFR) would monitor this site at a cost of $20,000 per year.

Mr. Wilbur Mayorga, Chief, Pollution Control Division, Department of Environmental Resources Management (DERM), responded to Commissioner Sosa's concerns with MDFR's liability in the event contamination resurfaced at a later date. He advised that the seller was obligated to remediation of the contaminated soil. He also pointed out that the closing documents would contain conditions requiring that contamination be limited to levels below the criteria considered safe for this specific land use. Mr. Mayorga further noted that these conditions were supported by a restrictive covenant running with the land and by DERM's inspections verifying the conditions had not changed.

Commissioner Sosa asked the County Attorney to provide her with a recommendation of appropriate language that would limit the County's liability in the event the groundwater and/or soil contamination resurfaced in the future.

Commissioner Gimenez expressed concern regarding the subject property being valued at $4.9 million in an appraisal done by Penske, prior to knowing the extent of the contamination. He pointed out that the Penske appraisal was excluded from the County Manager's Memorandum, which listed the County's independent appraisers' value of $7.2 million on page 2. Commissioner Gimenez asked the Director of General Services Administration (GSA) to, in the future, include all property appraisals performed by independent agencies, as attachments to proposed resolutions providing for the purchase of properties by the County. He also expressed his concerns with targeting the 2009 State Sunshine Loan funds to purchase this property, and asked how confident staff was that this loan would be obtained.

Responding to Commissioner Gimenez' inquiry concerning the 2009 State Sunshine Loan, Mr. Scott Mendelsberg, Chief Financial Officer, Miami-Dade Fire Rescue, explained that Ms. Rachel Baum, Finance Director, had advised him that there would be no problem obtaining these funds.

Commissioner Diaz asked the Director of GSA to consider reopening contract negotiations with the seller in an effort to obtain a lower the purchase price for this parcel and to mitigate the impact of future contamination costs.

Further discussion ensued regarding what impact current and future contamination would have on the planned use for this property, and what extent of liability could the MDFR be exposed to. Commissioner Gimenez expressed opposition to purchasing this site while the soil was contaminated and to the high purchase price recommended by staff.

It was moved by Commissioner Sosa that the foregoing resolution be forwarded to the County Commission with a favorable recommendation, with committee amendment(s) to delete each occurrence of the phrase "...5.72 acres..." and replace it with the phrase "...6.36 acres..." as read into the record by Assistant County Attorney Bruce Libhaber. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 3-1. Commissioner Gimenez voted "No".(Commissioners Heyman and Souto were absent)..

3C SUPPLEMENT

082930 **Supplement**

SUPPLEMENTAL INFORMATION REGARDING MIAMI-DADE FIRE RESCUE (PENSKE) MAINTENANCE FACILITY

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 3-1
No: Gimenez
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3D

082841 **Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S ACTION IN ACCEPTING GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO RECEIVE, EXPEND, AND EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL BY THE COUNTY ATTORNEY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (Medical Examiner Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3E

082843 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND, EXPEND FUNDS FROM THE HIGHWAY SAFETY GRANT PROGRAM TO PURCHASE EMERGENCY SCENE ROADWAY SAFETY ITEMS FOR MIAMI-DADE FIRE RESCUE VEHICLES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND AMEND SUCH CONTRACTS, AUTHORIZE SUB GRANT AGREEMENTS AND NECESSARY AMENDMENTS TO ANY AGREEMENT AS REQUIRED; TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS PROGRAM; AND TO EXERCISE THE CANCELLATION PROVISION CONTAINED THEREIN (Miami-Dade Fire and Rescue Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3F

082844 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND STATE OF FLORIDA FUNDS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO SUPPORT HAZARDOUS MATERIALS SITE ANALYSIS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND AMEND SUCH CONTRACTS AND AGREEMENTS AS REQUIRED; TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS STATE PROGRAM; AND TO FILE AND EXECUTE ANY NECESSARY AMENDMENTS TO ANY APPLICATION AND AGREEMENT; AND TO EXERCISE THE CANCELLATION PROVISION CONTAINED THEREIN (Miami-Dade Fire and Rescue Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

3G

082407 **Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR AND/OR HIS DESIGNEE'S ACTION TO SUPPORT THE MIAMI-DADE POLICE DEPARTMENT BY RECEIVING AND EXPENDING $290,749 FROM THE JUSTICE ASSISTANCE GRANT(JAG) PROGRAM FROM THE UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS' BUREAU OF JUSTICE ASSISTANCE; AND FURTHER AUTHORIZING THE COUNTY MAYOR AND/OR HIS DESIGNEE TO RECEIVE AND EXPEND FUNDS AND EXECUTE SUCH CONTRACTS AND AMENDMENTS AS REQUIRED IF AWARDED (Miami-Dade Police Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Chairman Moss opened the public hearing, and seeing no person to appear, the public was closed.

There being no questions or comments regarding this resolution, the committee proceeded to vote.

3H

082890 **Resolution**

RESOLUTION RETROACTIVELY AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT ("FDLE") AND MIAMI-DADE COUNTY EFFECTIVE MARCH 7, 2007, FOR THE PURPOSE OF OUTLINING THE ROLES AND RESPONSIBILITIES OF THE MIAMI-DADE POLICE DEPARTMENT AND THE FDLE WHEN INVESTIGATING CRIMINAL AND PUBLIC CORRUPTION INVESTIGATIONS INVOLVING THE MIAMI-DADE MAYOR AND COUNTY COMMISSIONERS, AND PUBLIC CORRUPTION INVESTIGATIONS OF COUNTY OFFICIALS AND EMPLOYEES, PURSUANT TO SECTION 2-94.1 OF THE CODE OF MIAMI-DADE COUNTY AND PROVIDING THAT ANY AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING AND THE EXERCISE OF THE CANCELLATION PROVISIONS CONTAINED THEREIN SHALL BE MADE AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS (Miami-Dade Police Department)

Amended

Report: *(SEE AGENDA ITEM 3H AMENDED; LEGISLATIVE FILE NO. 083158.)*

3H AMENDED

083158 **Resolution**

RESOLUTION RETROACTIVELY AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT ("FDLE") AND MIAMI-DADE COUNTY EFFECTIVE MARCH 7, 2007, FOR THE PURPOSE OF OUTLINING THE ROLES AND RESPONSIBILITIES OF THE MIAMI-DADE POLICE DEPARTMENT AND THE FDLE WHEN INVESTIGATING CRIMINAL AND PUBLIC CORRUPTION INVESTIGATIONS INVOLVING THE MIAMI-DADE MAYOR AND COUNTY COMMISSIONERS, AND PUBLIC CORRUPTION INVESTIGATIONS OF COUNTY OFFICIALS AND EMPLOYEES, PURSUANT TO SECTION 2-94.1 OF THE CODE OF MIAMI-DADE COUNTY AND PROVIDING THAT ANY AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING AND THE EXERCISE OF THE CANCELLATION PROVISIONS CONTAINED THEREIN SHALL BE MADE AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS [SEE ORIGINAL ITEM UNDER FILE NO. 082890] (Miami-Dade Police Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

It was moved by Commissioner Gimenez that the foregoing proposed resolution be forwarded with a favorable recommendation with committee amendments to include language instructing the County Manager to ensure the Miami-Dade County Board of County Commissioners (BCC) was notified whenever the subject Memorandum of Understanding (MOU) was amended by the Florida Department of Law Enforcement (FDLE).

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

082796 **Report**

CLERK'S SUMMARY OF MINUTES FOR HEALTH AND PUBLIC SAFETY COMMITTEE'S SEPTEMBER 11, 2008 MEETING (Clerk of the Board)

Approved
Mover: Sosa
Seconder: Diaz
Vote: 4-0
Absent: Heyman, Souto

Report: *Assistant County Attorney Gerald Sanchez read the title of the foregoing report into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

7 REPORTS

7A

082842 **Report**

DIAL-A-LIFE ADIVSORY AND OVERSIGHT BOARD SEMI-ANNUAL STATUS REPORT AND DIAL-A-LIFE PROGRAM SURPLUS CELLULAR TELEPHONE REPORT (County Manager)

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

Report: *Assistant County Attorney Gerald Sanchez read the title of the foregoing report into the record.*

Hearing no questions or comments regarding this resolution, the committee proceeded to vote.

8 ADJOURNMENT

Report: *There being no other business to come before the committee, the Health and Public Safety Committee meeting was adjourned at 3:30 p.m.*