



MEMORANDUM
Harvey Ruvin
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GO

Agenda Item No. 7(A)

TO: Honorable Chairman Carlos A. Gimenez
and Members, Government Operations Committee

DATE: March 10, 2009

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 Government Operations Committee:

February 13, 2009

Attachment
KMS/jm



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

CLERK'S SUMMARY OF Meeting Minutes Government Operations Committee

Carlos A. Gimenez (7) Chair; Natacha Seijas (13) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Audrey M. Edmonson (3), Joe A. Martinez (11), and Rebeca Sosa (6)

Friday, February 13, 2009

9:30 AM

COMMISSION CHAMBERS

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

Members Absent: Audrey M. Edmonson.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1A INVOCATION

Report: *A Moment of Silence was observed followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C **ROLL CALL**

Report: *The following staff members were present: Senior Assistant to the County Manager Cynthia Curry; Assistant County Attorneys Henry Gillman, Debra Herman and Thomas Robertson; Senior Deputy Clerk Doris Dickens and Deputy Clerk Judy Marsh.*

Commissioners Katy Sorenson and Bruno Barreiro were also present.

Chairman Gimenez called the meeting to order at 9:41 a.m. and welcomed everyone to today's Government Operations Committee meeting. He expressed appreciation to Vice Chairwoman Seijas for her accomplishments during her tenure as former Chair of the Governmental Operations and Environment Committee and the Infrastructure and Land Use Committee. Chairman Gimenez commended Vice Chairwoman Seijas for her leadership on water use issues, including the Water Use Permit, sustainability and many other issues that greatly benefited the community. He noted he looked forward to working with Vice Chairwoman Seijas and each of the Committee members in accomplishing the goals and objectives of this Committee and in addressing issues vital to the delivery of basic services to the residents of this community.

Chairman Gimenez said he would like to follow the County Commission's Chairman Dennis Moss' lead for conducting meetings, with colloquy being replaced by exchange. He noted the Commission Auditor or his designee would now be seated at the dais in order to address any questions/issues from Committee members. Chairman Gimenez acknowledged the presence of Senior Advisor to the County Manager Cynthia Curry and noted he had previously worked with Ms. Curry on some very difficult issues and looked forward to working with her on this Committee.

Chairman Gimenez said he had met with department directors under the auspices of this Committee individually to discuss the potential challenges facing their department. He encouraged Committee members to meet with them as well, noting one of his objectives for this Committee was to add policy discussions to this

Committee's agenda and that he would accept proposals from Committee members for future discussion topics. Chairman Gimenez reminded Committee members that the County Commission would be approving budget priorities for FY 2009-2010 at its first meeting in April 2009. He noted the Committee's budget priorities must be compiled in March in order to submit these priorities to the Commission, and he asked each Committee member to be prepared to discuss their specific budget priorities. Chairman Gimenez also asked the Commission Auditor to distribute any forms or guides which might assist Committee members in preparing their budget priorities.

Following Chairman Gimenez' comments, Assistant County Attorney Henry Gillman noted the following changes to today's agenda: Item 3D Supplement was added to today's agenda; Commissioner Seijas was requesting to be listed as a co-sponsor to Item 3A; and Commissioner Diaz was requesting to be listed as a co-sponsor to Items 2J, 2K, 2L and 3D.

It was moved by Commissioner Diaz that the Committee approve the February 13, 2009 Government Operations Committee agenda. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Edmonson was absent).

2 COUNTY COMMISSION

2A

090107 Resolution Bruno A. Barreiro
RESOLUTION REQUIRING THE COUNTY MANAGER *Amended*
TO PROVIDE THE COUNTY COMMISSION WITH
PERIODIC REPORTS OF CERTAIN COUNTY
PERSONNEL ACTIONS

Report: (See Agenda Item 2A Amended, Legislative File No. 090396)

2A Amended

090396 Resolution Bruno A. Barreiro

RESOLUTION REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE COUNTY COMMISSION WITH PERIODIC REPORTS OF CERTAIN COUNTY PERSONNEL ACTIONS [SEE ORIGINAL ITEM UNDER FILE NO. 090107]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconder: Martinez

Vote: 5-0

Absent: Edmonson

Report: *Chairman Gimenez welcomed Commissioner Barreiro to today's Committee meeting.*

Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.

Commissioner Sosa questioned the benefit of the County Commission making decisions of a legislative nature regarding promotions, demotions, transfer or termination of an employee.

Commissioner Barreiro, sponsor, said it was important for commissioners to have information. Using the Port of Miami as an example, Commissioner Barreiro noted it would have been advantageous to the County Commission to be apprised of the new Port Security Director. He noted the foregoing proposed resolution would provide more clarity and transparency to the County Commission and to the public.

Commissioner Barreiro accepted Chairman Gimenez' request to amend the foregoing proposed resolution to add reclassification and the cost of reclassification to the monthly report of personnel actions to be provided to the County Commission.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as amended.

2B

090220 Resolution**Rebeca Sosa**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE RETIREES OF THE FLORIDA RETIREMENT SYSTEM WHO RETURN TO WORK WITH AN FRS EMPLOYER TO GO THROUGH THE REGULAR HIRING PROCESS, AND TO PROHIBIT SUCH RETIREES FROM EARNING MORE THAN AN APPLICABLE ENTRY-LEVEL SALARY, BUT ALLOWING SALARY INCREASES IN THE NORMAL COURSE

Tabled**Mover: Seijas****Seconder: Diaz****Vote: 4-1****No: Sosa****Absent: Edmonson**

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

The foregoing proposed resolution was moved by Commissioner Sosa and seconded by Chairman Gimenez for discussion.

Commissioner Sosa provided an overview of the proposed resolution. She noted she felt retirees of the Florida Retirement System (FRS) wishing to return to work should go through the regular hiring process, and should start at an entry-level salary.

Commissioner Seijas expressed concern in urging the Florida Legislature to take any action. She noted that she served on the Florida Association of Counties and the National Association of Counties (NACo) and had not heard this issue expressed across-the-board. She noted if the County urged the Legislature to take action on the foregoing proposed resolution it could be perceived as this community's willingness to supporting the Legislature, which might not be feasible since the impact of this proposed legislation on this community had not been determined. Commissioner Seijas noted she was concerned regarding the Legislature's inaction in the past, and this proposed legislation should not be included in the County's Legislative Package without first determining its impact. She offered a motion to deny.

Commissioner Martinez spoke in opposition to the foregoing proposed resolution. He noted he supported the entry level salary for retirees seeking re-employment; however, he did not support re-hiring retirees through the normal hiring process.

Commissioner Diaz concurred with Commissioner Martinez. He noted he felt the proposed

resolution might create more issues and he would be voting against it.

Chairman Gimenez requested further clarification of the foregoing proposed resolution. He noted the hiring process did not normally apply to higher level executives.

Commissioner Sosa noted the proposed resolution did not apply to police officers or fire fighters. She concurred with Commissioner Martinez regarding the need to eliminate the requirement for the normal hiring process, and noted she would be willing to amend her motion to accomplish this. Commissioner Sosa said this resolution did not apply to employees who were hired by commissioners but applied to retired employees who wanted to apply for a position within a department. She expressed concern regarding the public's perception that retired employees who came back to the County earned higher salaries than before they retired.

In response to Commissioner Sosa's inquiry, Assistant County Attorney Gillman advised the intent of the proposed resolution could not be accomplished at the local level.

Commissioner Seijas expressed concern regarding urging the Legislature to take action on this proposed resolution when it was not known what other legislation was being proposed at the state level. She noted she could not support this resolution because of unforeseen consequences.

Commissioner Sosa noted she could not speak to any member(s) of the Miami-Dade State Legislative Delegation until the County Commission approved the intent of the foregoing proposed resolution.

It was moved by Commissioner Seijas that the foregoing proposed resolution be tabled. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 4-1, (Commissioner Sosa voted "no").

2C

090318 Resolution Bruno A. Barreiro

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PROVIDE AN ANNUAL DEDICATED FUNDING SOURCE FOR THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY THROUGH A NEW \$2 RENTAL CAR SURCHARGE

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

Mover: Sosa

Seconder: Diaz

Vote: 4-0

Absent: Edmonson, Seijas

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

In response to Commissioner Sosa's inquiry, Commissioner Barreiro noted the proposed \$2 rental car surcharge applied to Miami-Dade, Broward and Palm Beach Counties.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

2D

090252 Resolution

Jose "Pepe" Diaz,

Joe A. Martinez, Natacha Seijas, Rebeca Sosa
 RESOLUTION DIRECTING MAYOR OR MAYOR'S
 DESIGNEE TO DISPLAY PRISONER OF WAR MISSING
 IN ACTION FLAG ON ALL COUNTY OWNED OR
 OPERATED BUILDINGS ON WHICH AMERICAN FLAG
 IS DISPLAYED WHENEVER AMERICAN FLAG IS
 FLOWN

*Forwarded to BCC with a
 favorable recommendation*

Mover: Diaz

Seconder: Martinez

Vote: 4-1

No: Gimenez

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the
 foregoing proposed resolution into the record.*

*Commissioner Diaz provided an overview of the
 foregoing proposed resolution.*

*Chairman Gimenez noted federal standards
 mandated that the Prisoner of War (POW)-
 Missing in Action (MIA) flag be flown on specific
 days and he would like to follow that process.*

*Commissioner Diaz noted some veterans would
 prefer the POW-MIA flag be flown every day. He
 noted this symbolized all the veterans who passed
 away and those who were still missing.*

*Chairman Gimenez noted the foregoing proposed
 resolution was requesting that the POW-MIA flag
 be flown on each County-owned building. He
 noted federal regulations governed the days the
 American flag and POW-MIA flag were flown on
 federal buildings.*

*Commissioner Martinez spoke in support of the
 foregoing proposed resolution.*

*Hearing no further comments or questions, the
 Committee voted on the foregoing proposed
 resolution as presented.*

2E

083596 Resolution Audrey M. Edmonson

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING A UNIFORM VOTER EDUCATION AND REGISTRATION PROGRAM AS PART OF THE REQUIRED HIGH SCHOOL COURSES OF STUDY

Motion dies due to lack of second

Report: *The foregoing proposed resolution was moved by Commissioner Diaz.*

The foregoing motion died due to lack of a second.

2F

090205 Resolution Audrey M. Edmonson

RESOLUTION DECLARING MISCELLANEOUS COMPUTER EQUIPMENT SURPLUS AND AUTHORIZING ITS DONATION TO CURLEY'S HOUSE OF STYLE, INC.

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

Commissioner Seijas spoke in support of the foregoing proposed resolution. She pointed out that Curley's House of Style was not just a beauty parlor, but consisted of a dedicated group of people who worked hard for their community.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

2G

090239 Resolution Carlos A. Gimenez

RESOLUTION WAIVING MIAMI-DADE WATER AND SEWER DEPARTMENT'S REQUIREMENT FOR INSTALLATION OF A 12-INCH WATER MAIN EXTENSION FOR A DENTIST OFFICE AT 504 BILTMORE WAY

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

Mover: Gimenez

Seconder: Diaz

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

Chairman Gimenez relinquished the Chair to Vice Chairwoman Seijas.

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

Vice Chairwoman Seijas questioned whether the requested waiver of the Miami-Dade Water and Sewer Department's Rules and Regulations regarding installation of a 12-inch water main extension could be applied to any dentist office versus a specific dentist office.

Commissioner Gimenez noted he sponsored this proposed resolution because the Department would be changing its rules concerning the cost of water usage by dentist offices and this particular dentist agreed to install appliances that would reduce water usage.

In response to Commissioner Gimenez' inquiry whether this waiver could be consistent for other dentist offices, Mr. Joseph Ruiz, Assistant Director, Water and Sewer Department, said this was an unusual circumstance that normally would not apply to other circumstances. He noted the applicant in question was simply moving across the street and would not have been required to do what was being asked of him had the other tenant in the building been truthful in their application. Mr. Ruiz said the Department had not changed its calculations to recognize the new low flow requirements for water conservation.

Chairman Gimenez asked staff to prepare the appropriate memorandum requesting that the Board of County Commissioners' Chairman

Government Operations Committee

Meeting Minutes

Friday, February 13, 2009

CLERK'S SUMMARY OF

Dennis C. Moss waive the Board's Rules and Procedures to allow this proposed resolution to be heard at the February 17, 2009 Board meeting.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

2H

090307 Resolution

Carlos A. Gimenez,

Rebeca Sosa

RESOLUTION DIRECTING COUNTY MAYOR OR HIS DESIGNEE TO REVIEW ASSUMPTIONS USED TO DEVELOP FUTURE WATER SUPPLY NEEDS AND TO PREPARE REVISED FORECASTS AND RECOMMENDATIONS FOR MODIFICATIONS TO WATER USE PERMIT'S SCHEDULE OF WATER SUPPLY PROJECTS AS APPROPRIATE

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Sosa

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

Chairman Gimenez relinquished the Chair to Vice Chairwoman Seijas.

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

Commissioner Sosa asked to be listed as a co-sponsor to the proposed resolution.

Vice Chairwoman Seijas noted she had one speaker card; however, this was not a public hearing item.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

21

090174 Resolution**Sally A. Heyman**

RESOLUTION DECLARING ONE 1999 DODGE PASSENGER VAN SURPLUS AND AUTHORIZING ITS DONATION TO NORTH BAY VILLAGE POLICE ATHLETIC ACTIVITIES LEAGUE, INC.

Forwarded to BCC with a favorable recommendation

Mover: Seijas

Seconder: Sosa

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

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

In response to Commissioner Seijas' inquiry whether Commission District 4 was listed on the memorandum which was recently presented to the County Commission indicating surplus van donations by Commission Districts, Senior Advisor to the County Manager Cynthia Curry noted she would provide Commissioner Seijas with a response before the end of today's meeting.

Pursuant to Commissioner Seijas' request, Chairman Gimenez asked that the foregoing proposed resolution be deferred until later in today's meeting.

Later in the meeting, the Committee returned its consideration to the foregoing proposed resolution.

Assistant County Attorney Gillman read the foregoing proposed resolution into the record.

It was moved by Commissioner Seijas that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sosa and upon being put to a vote, the motion passed by a vote of 5-0, (Commissioner Edmonson was absent).

2J

090172 Resolution

Joe A. Martinez,

Jose "Pepe" Diaz, Carlos A. Gimenez, Rebeca Sosa
RESOLUTION URGING THE U.S. CONGRESS AND THE
FLORIDA LEGISLATURE PROACTIVELY TO ADDRESS
THE NEXT POSSIBLE MORTGAGE CRISIS BY
REQUIRING BANKS THAT RECEIVE FEDERAL
BAILOUT FUNDS TO RESTRUCTURE OPTION
ADJUSTABLE RATE MORTGAGES AND OTHER
UNCONVENTIONAL MORTGAGES THAT WERE USED
DURING THE RECENT REAL ESTATE BOOM

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

Mover: Martinez

Seconder: Gimenez

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.*

In response to Commissioner Sosa's inquiry whether a bill had been filed in Congress, Commissioner Martinez said he was not aware of any bill(s) that were filed. He noted his intent was to begin addressing the credit issue with the banks. Commissioner Martinez pointed out the banks had received money which was being used for capital rather than for loans.

Pursuant to Commissioner Martinez' request for a waiver, Chairman Gimenez asked staff to prepare the appropriate memorandum requesting that the Board of County Commissioners' Chairman Dennis C. Moss waive the Board's Rules and Procedures to allow this proposed resolution to be heard at the February 17, 2009 Board meeting.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

2K

090185 Resolution

Joe A. Martinez,

Jose "Pepe" Diaz, Rebeca Sosa

RESOLUTION URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO REQUIRE BANKS RECEIVING BAILOUT FUNDS TO PAY HOMEOWNERS' ASSOCIATION DUES WHERE APPLICABLE ON FORECLOSED HOMES

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

Report: Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.

Pursuant to Commissioner Martinez' request for a waiver, Chairman Gimenez asked staff to prepare the appropriate memorandum requesting that the Board of County Commissioners' Chairman Dennis C. Moss waive the Board's Rules and Procedures to allow this proposed resolution to be heard at the February 17, 2009 Board meeting.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

2L

090139 Resolution

Natacha Seijas,

Jose "Pepe" Diaz

RESOLUTION REQUESTING THE MAYOR OR DESIGNEE TO DEVELOP THE REVISED AND UPDATED COUNTY STRATEGIC PLAN IN CLOSE COORDINATION WITH THE BOARD OF COUNTY COMMISSIONERS, NOT JUST PRESENT THE PLAN TO THE BOARD FOR RATIFICATION

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

Report: Assistant County Attorney Henry Gillman read the foregoing proposed resolution into the record.

Hearing no comments or questions, the Committee voted on the foregoing proposed resolution as presented.

3 PUBLIC HEARINGS

3A

090046 Ordinance

Barbara J. Jordan,

Natacha Seijas

ORDINANCE RELATING TO RULES OF PROCEDURE OF BOARD OF COUNTY COMMISSIONERS; AMENDING RULE 5.05 TO PROVIDE THAT ITEMS FORWARDED BY A COMMISSION COMMITTEE TO THE COUNTY COMMISSION ARE EXEMPT FROM THE "4-DAY RULE" UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Deferred to next committee meeting

Mover: Seijas

Second: Diaz

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed ordinance into the record.*

Chairman Gimenez announced that the foregoing proposed ordinance was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

Commissioner Martinez said he understood the intent of the foregoing proposed ordinance, however, committee meetings held on Thursdays would not be subject to the four-day rule. He noted he would not be supportive of this ordinance.

Commissioner Diaz expressed concern regarding removing the four-day rule ability and questioned why all items could not be subject to the four-day rule.

Commissioner Seijas noted as co-sponsor, she agreed with Commissioners Martinez and Diaz; however, she was not the sponsor. Commissioner Seijas suggested deferring the foregoing proposed ordinance to the next Committee meeting or forwarding it to the County Commission without recommendation.

Chairman Gimenez concurred with Commissioners Martinez, Diaz and Seijas. He noted while he felt it was unfair that some committees were subject to the four-day rule while others were not, this was an important rule. Chairman Gimenez indicated he was supportive of this proposed ordinance.

Commissioner Diaz pointed out that some items were being forwarded to the next scheduled County Commission meeting and he questioned who selected the items to be placed on the

Commission's agenda.

Senior Advisor to the County Manager Cynthia Curry noted a waiver must be approved by a Committee Chair and the County Commission's Chairman before an item could be placed on the next Commission meeting agenda, versus skipping a meeting.

Commissioner Diaz asked Ms. Curry to verify this process. He noted it was his understanding that some items had been forwarded to the subsequent Commission meeting without receiving a waiver.

Chairman Gimenez clarified that no items would be waived from this Committee without the Chair's approval. He noted he felt items that were waived by the Chair should be four-day ruled.

Commissioner Seijas suggested the foregoing proposed ordinance be deferred and Commissioner Jordan, sponsor, be allowed to review the comments made.

Chairman Gimenez asked that a record of today's discussion be forwarded to Commissioner Jordan.

Hearing no further comments or questions, the Committee deferred the foregoing proposed ordinance to March 10, 2009 at 9:30 a.m.

3B

083472 Ordinance

Joe A. Martinez,

Audrey M. Edmonson

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE COUNTY COMMISSION; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING THAT ANY SUBSTITUTE OR ALTERNATE ITEM ON A COMMITTEE AGENDA OR THE COMMISSION AGENDA SHALL SO INDICATE ON THE COVER MEMORANDUM, INCLUDE A BRIEF DESCRIPTION OF HOW THE ITEM DIFFERS FROM THE ORIGINAL AND IDENTIFY THE CHANGES IN THE ITEM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Martinez

Seconder: Diaz

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed ordinance into the record.*

Chairman Gimenez announced that the foregoing proposed ordinance was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

Hearing no comments or questions, the Committee voted on the foregoing proposed ordinance as presented.

3C

083560 Ordinance**Joe A. Martinez**

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT RESOLUTIONS URGING AN ENTITY OR PERSON TO TAKE STATED ACTION ARE EXEMPT FROM COMMITTEE REVIEW; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Martinez

Seconder: Diaz

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed ordinance into the record.*

Chairman Gimenez announced that the foregoing proposed ordinance was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

Commissioner Martinez provided an overview of the foregoing proposed ordinance. He explained that during his tenure as Chairman of the Budget and Finance Committee, resolutions urging the Committee to take action would be presented, and he felt these resolutions should be heard directly by the County Commission since the Commission would decide the final outcome. Commissioner Martinez said this proposed ordinance would avoid the Committee process on resolutions relating to "urgings," including street closings, plats, etc.

Commissioner Sosa expressed concern regarding bypassing the Committee process.

Commissioner Martinez noted normally resolutions urging the committees to take action were not public hearings. He pointed out that plats, road closings, etc. went directly to the County Commission.

Hearing no other comments or questions, the Committee voted on the foregoing proposed ordinance as presented.

3D

083345 Ordinance

Natacha Seijas,

Jose "Pepe" Diaz

ORDINANCE AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE LIVING WAGE ORDINANCE) TO CLARIFY COVERED SERVICES, DEFINITIONS, AND APPLICATION OF PENALTIES AND SANCTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Report: *Assistant County Attorney Henry Gillman read the foregoing proposed ordinance into the record.*

Chairman Gimenez announced that the foregoing proposed ordinance was open for public participation.

Mr. Gary Waters, 1425 NW 36 Street, Chairman, Living Wage Advisory Commission, appeared before the Committee in support of the foregoing proposed ordinance.

There being no other persons to appear before the Committee, the public hearing was closed.

Commissioner Seijas expressed appreciation to Mr. Waters and the members of the Living Wage Advisory Commission for their recommendations to protect workers.

Hearing no further comments or questions, the Committee voted on the foregoing proposed ordinance as presented.

3D SUPP.

090337 Supplement

FISCAL IMPACT TO ORDINANCE AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE LIVING WAGE ORDINANCE)

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

3E

083369 Ordinance**Katy Sorenson**

ORDINANCE AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT ANY ACTION OF THE COMMISSION TO CONVEY OR LEASE COUNTY-OWNED REAL PROPERTY TO A NOT-FOR-PROFIT ENTITY IN ACCORDANCE WITH SECTION 125.38, F.S. SHALL BE BY AN AFFIRMATIVE VOTE OF TWO-THIRDS (2/3) OF THE ENTIRE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconded: Gimenez

Vote: 4-1

No: Martinez

Absent: Edmonson

Report: *Chairman Gimenez welcomed Commissioner Sorenson to today's Committee meeting.*

Assistant County Attorney Henry Gillman read the foregoing proposed ordinance into the record.

Chairman Gimenez announced that the foregoing proposed ordinance was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

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

Commissioner Sorenson, sponsor, provided an overview of the proposed ordinance. She noted surplus property could be conveyed to a government entity or a not-for-profit organization, pursuant to State Statute; however, in terms of consistency and good government practices, she felt it was prudent that County-owned land be conveyed through a competitive process or by a two-thirds (super majority) vote of the entire County Commission.

In response to Commissioner Seijas' inquiry regarding the applicability of the proposed ordinance at the committee level, Assistant County Attorney Gillman advised the two-thirds requirement would apply when this ordinance came before the County Commission. He noted a majority vote would be required at the Committee level for the ordinance to be forwarded to the County Commission.

Responding to Commissioner Seijas' question whether the proposed ordinance would only apply

to land, Commissioner Sorenson said this ordinance would apply to people wishing to build housing or for use as a social services center.

In response to Commissioner Seijas' questions whether this proposed ordinance would apply to transit stations, and situations in which land was being conveyed from Miami-Dade Transit for housing in certain cities, Assistant County Attorney Debra Herman noted the ordinance would apply to land and any intangibles. She also noted the land would not be considered surplus if it could be used by the County.

Senior Advisor to the County Manager Cynthia Curry advised in the case of transit sites, the department must obtain market value for those properties.

Assistant County Attorney Gillman confirmed Commissioner Sosa's comment that the foregoing proposed ordinance related to not-for-profit entities.

Hearing no further comments or questions, the Committee voted on the foregoing proposed ordinance as presented.

3F

083685 Resolution

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO USA MEDICAL TRANSPORTATION, INC. TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICE (NE CONTROL NO. 45029) (Consumer Services Department)

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

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

Chairman Gimenez announced that the foregoing proposed resolution was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

Hearing no comments or questions, the Committee voted on the foregoing proposed resolution as presented.

3G

090130 Resolution

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 228 TO MIAMI SUNSHINE TOURS & TRANSFER, CORP. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Seijas

Vote: 5-0

Absent: Edmonson

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

Chairman Gimenez announced that the foregoing proposed resolution was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

Hearing no comments or questions, the Committee voted on the foregoing proposed resolution as presented.

3H

083282 Ordinance

ORDINANCE AMENDING SECTION 8CC-2, 8CC-3, 8CC-7 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; TO ELIMINATE THE NEED FOR THE COUNTY ATTORNEY TO ATTEND APPEAL HEARINGS; TO PROVIDE IMPROVED SERVICE OF PROCESS OF CITATIONS; TO ALLOW ELECTRONIC RECORDING OF LIENS AND TO UPDATE PENALTY AMOUNTS AND DESCRIPTIONS OF CODE VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Office of Neighborhood Compliance)

Withdrawn

Report: *(See Agenda Item 3H Substitute, Legislative File No. 090092)*

3H SUB.

090092 Ordinance

ORDINANCE AMENDING SECTION 8CC-2, 8CC-3, 8CC-7 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; TO ELIMINATE THE NEED FOR THE COUNTY ATTORNEY TO ATTEND APPEAL HEARINGS; TO PROVIDE IMPROVED SERVICE OF PROCESS OF CITATIONS; TO ALLOW ELECTRONIC RECORDING OF LIENS AND TO UPDATE PENALTY AMOUNTS AND DESCRIPTIONS OF CODE VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 083282] (Office of Neighborhood Compliance)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Seijas

Vote: 5-0

Absent: Edmonson

Report: *Assistant County Attorney Gillman read the foregoing proposed ordinance into the record.*

Chairman Gimenez announced that the foregoing proposed ordinance was open for public participation, and there being no one to appear before the Committee, the public hearing was closed.

In response to Commissioner Sosa's inquiry, Assistant County Attorney Thomas Robertson advised that currently a member of the County Attorney's Office does not attend the administrative appeal hearings conducted by Hearing Officers.

Responding to Commissioner Sosa's inquiry, Mr. Charles Danger, Director, Building Department, indicated that no penalty increases were attached to this item.

Hearing no further comments or questions, the Committee voted on the foregoing proposed ordinance as presented.

4 DEPARTMENTS

4A

083622 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT 564 AND 572 N.W. 23 STREET, MIAMI, WITH SHIRLEY HARDIN AND GUY HARDIN, FOR PREMISES TO BE UTILIZED BY THE GENERAL SERVICES ADMINISTRATION DEPARTMENT, DESIGN AND CONSTRUCTION SERVICES DIVISION FOR OFFICE AND WAREHOUSE SPACE, WITH TOTAL FISCAL IMPACT TO MIAMI-DADE COUNTY NOT TO EXCEED \$225,316.79 FOR THE TERM OF THE LEASE INCLUDING THE OPTIONAL RENEWAL PERIODS, AND AUTHORIZING THE COUNTY MAYOR OR THE 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: Diaz

Seconder: Seijas

Vote: 5-0

Absent: Edmonson

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

Commissioner Diaz requested clarification regarding the foregoing proposed resolution.

Ms. Elva Marin, General Services Administration (GSA), noted the proposed lease agreement related to a warehouse with some office space for the staff. She noted it would be used to store systems furniture for various County buildings. Ms. Marin said the existing lease was expiring and the County needed to enter into a new lease.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

4B

083660 Resolution

RESOLUTION APPROVING REIMBURSEMENT FOR LOSS OF PERSONAL PROPERTY, PURSUANT TO THE PROVISIONS OF SECTION 2-11.13 OF THE MIAMI-DADE COUNTY CODE AND ADMINISTRATIVE ORDER NO. 7-23, TO GENERAL SERVICES ADMINISTRATION-FLEET MANAGEMENT EMPLOYEE PRUDENCIO RAMIRO, HEAVY EQUIPMENT TECHNICIAN, IN AN AMOUNT NOT TO EXCEED \$1,148.45 (General Services Administration Department)

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Edmonson

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

In response to Commissioner Martinez' inquiry regarding the delay in reimbursement for loss of personal property, Ms. Olga Diaz, General Services Administration, said this was the second submission because the total value exceeded \$1,000.

Commissioner Martinez asked Senior Advisor to the County Manager Cynthia Curry to explore the feasibility of amending the existing legislation to increase the reimbursement amount to exceed \$1,000, without County Commission approval; or some other alternatives that would prevent the reimbursements from being delayed.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

4C

083614 Resolution

RESOLUTION APPROVING NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NO. E08-WASD-01 IN THE AMOUNT OF \$3,300,000 TO BLACK & VEATCH CORPORATION TO PROVIDE BOND CONSULTING ENGINEERING SERVICES PURSUANT TO SECTIONS 508, 607 AND 609 OF SENIOR BOND ORDINANCE 93-134; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Seijas
Seconded: Sosa
Vote: 5-0
Absent: Edmonson

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

Hearing no comments or questions, the Committee voted on the foregoing proposed resolution as presented.

4D

090049 Resolution

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL TO CONTRACT BETWEEN METRO EQUIPMENT SERVICE, INC. AND MIAMI-DADE COUNTY, FOR CONTRACT NO. S-783: INSTALLATION OF 16-INCH DUCTILE IRON SANITARY SEWER IN NE 172 STREET FROM COLLINS AVENUE TO NORTH BAY ROAD; DECREASING THE CONTRACT AMOUNT BY \$258,932.85; AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAME (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Sosa
Seconded: Seijas
Vote: 5-0
Absent: Edmonson

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

Chairman Gimenez commended the Water and Sewer Department for reducing the cost of the project.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

4E

090148 Resolution

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA INTERNATIONAL UNIVERSITY FOR THE PROVISION OF ENVIRONMENTAL RESEARCH AND ANALYSIS SERVICES BY THE UNIVERSITY'S SOUTHEAST ENVIRONMENTAL RESEARCH CENTER IN THE AMOUNT OF \$2.75 MILLION, INCLUDING A 10% CONTINGENCY FEE; AND AUTHORIZING THE MAYOR TO EXECUTE SAME AND EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Seijas

Seconder: Diaz

Vote: 5-0

Absent: Edmonson

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

In response to Commissioner Diaz' inquiry, Mr. Doug Yoder, Deputy Director Regulatory Compliance and Capital Improvements, confirmed that the proposed contract with Florida International University was for seven years. He noted the amount of research required to determine the feasibility of rehydrating coastal wetlands with reclaimed water from the South District Plant was open-ended. Mr. Yoder said it could be determined relatively quickly that the water chemistry was not technically feasible to perform on a large scale, in which case the Department would not proceed with the remaining testing protocols.

In response to Commissioner Diaz' question whether the damage was a result of fresh water being applied to the salt water area, Mr. Yoder said historically, fresh water entered Biscayne Bay through the mangroves at a larger volume over a larger area, and when the canals were constructed, the fresh water was localized and the ecology of the near shore estuaries were changed. He noted part of the Everglades Restoration Project was to re-achieve those historic characteristics.

Commissioner Diaz pointed out that fresh water intrusion into the Bay still occurred. He expressed concern regarding environmental groups who may be opposed to this proposed resolution.

Responding to Commissioner Diaz, Mr. Yoder noted the proposed project was included in the Comprehensive Everglades Restoration Plan, and

the Department had worked closely with the Biscayne National Park, who supported this project.

Hearing no further comments or questions, the Committee voted on the foregoing proposed resolution as presented.

5 COUNTY MANAGER

6 COUNTY ATTORNEY

7 CLERK OF THE BOARD

8 REPORTS

8A

090085 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2009 - COMMISSION ON DISABILITY ISSUES

Report Received
Mover: Martinez
Seconder: Seijas
Vote: 5-0
Absent: Edmonson

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

Commissioner Seijas commended the members of the Commission on Disability Issues Advisory Board for their attendance and participation, including her appointee, Alan Rigerman.

Hearing no further comments or questions, the Committee voted to receive the foregoing report as presented.

Upon conclusion of the foregoing item, Assistant County Attorney Gillman advised that Commissioners Seijas and Martinez had requested to be listed as co-sponsors to Agenda Item 2D.

090614 Resolution
NON-AGENDA ITEMS

Report: 1. *Chairman Gimenez asked Senior Advisor to the County Manager Cynthia Curry to provide the Committee with a report, within the next two months, outlining the amount of money the County made by selling electricity generated by the Montenay Power Plant; the amount of money the County paid to provide electricity for all County facilities; the feasibility of the County creating its own energy company and potentially contracting with neighboring local, municipal agencies, such as Doral and all the municipalities.*

Chairman Gimenez asked that all the options be identified as well as the legalities with Florida Power and Light, etc. before the existing contract between the County and Montenay expires.

Commissioner Seijas asked that the report include the number of cells that were available for filling at the Montenay Plant.

Commissioner Gimenez also asked Senior Advisor to the County Manager Cynthia Curry to explore the possibility of the County selling ash to the Florida Department of Transportation for road resurfacing.

Commissioner Diaz concurred with the comments made by Chairman Gimenez relating to the Montenay Power Plant.

2. *Commissioner Diaz requested a moment of personal privilege to extend Valentine's greetings to Commission District 12 residents who were attending a Valentine's celebration at an elderly center in Sweetwater.*

9 ADJOURNMENT