

Memorandum



Date: November 3, 2009

To: Honorable Chairman Dennis C. Moss and Members,
Board of County Commissioners

Agenda Item No. 8(Q)(1)(A)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Resolution Ratifying the Actions of the Mayor or Designee in Executing a Retroactive Memorandum of Understanding between the Port of Miami, Port of Palm Beach and Port Everglades Concerning Reciprocity for Port Access

RECOMMENDATION

It is recommended that the Board approve the accompanying resolution ratifying the action of the Mayor or Designee in executing a retroactive Memorandum of Understanding ("MOU") between the Port of Miami, Port of Palm Beach and Port Everglades concerning reciprocity for port access.

SCOPE

The Port of Miami is located within District 5 – Commissioner Bruno A. Barreiro. The impact of this agenda item is countywide as the Port of Miami is a regional asset and generates employment for residents throughout Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

The accompanying resolution will have no fiscal impact on Miami-Dade County.

TRACK RECORD/MONITOR

The Port staff member responsible for monitoring this MOU is Hector Pesquera, Assistant Director for Safety and Security.

BACKGROUND

As part of this year's legislative process, the Florida Legislature passed HB 7141 which amends F.S. 311.12, revising provisions related to seaport security. The bill's intent, among other things, is for the Florida Department of Law Enforcement ("FDLE") to create a statewide database by July 1, 2009, where all 14 Florida deepwater ports would input all port users' security information to be shared among all ports for port access. Under this mandate, port users from any Florida port could access another Florida port as long as their security information is included in the database and they hold a valid port identification card ("ID") from another port. The port user would only pay a minimal fee (which may vary from port to port) for an ID to the secondary port for access. Subsequent to the bill passing, FDLE notified all ports that their resources are scarce and that they will not be able to implement the mandate by July 1, 2009.

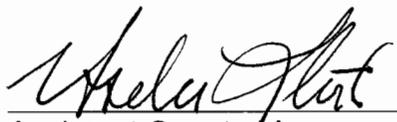
In an attempt to achieve the original mandate's objective, FDLE worked with the Port of Miami, Port of Palm Beach, and Port Everglades to create an MOU of reciprocity for issuing access credentials amongst the three ports. Under this MOU, current and valid credentials from the Port of Miami, the Port of Palm Beach or Port Everglades will have authorized access to each other's

respective ports. It requires that a compiled list of all active IDs be e-mailed to the respective port's designated point of contact at regular intervals, as determined by the ports' security directors. Should any ID holder need to access a secondary port, the secondary port will determine the validity of the ID at their port of origin and provide an ID for the secondary port at a minimal fee as appropriate.

Upon approval, this MOU will be retroactive to July 1, 2009, and would remain in effect until termination by mutual agreement of the ports. Should any of the three ports desire to terminate this reciprocity agreement, said port must provide fourteen (14) days notice to allow sufficient time to notify port users.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include the authority for the Mayor or designee to execute the MOU and to exercise any cancellation provision.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 3, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(Q)(1)(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(Q)(1)(A)
11-3-09

RESOLUTION NO. _____

RESOLUTION RATIFYING THE ACTION OF THE MAYOR OR
DESIGNEE IN EXECUTING A RETROACTIVE
MEMORANDUM OF UNDERSTANDING BETWEEN THE
PORT OF MIAMI, PORT OF PALM BEACH, AND PORT
EVERGLADES CONCERNING RECIPROCITY FOR PORT
ACCESS; AND TO EXERCISE ALL RIGHTS CONFERRED
THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, this Board has adopted Resolution No. R-900-09, authorizing the County Mayor or Designee to administer County business during the Board of County Commissioners' 2009 summer recess as provided therein, and has directed that all actions taken pursuant to such authority be submitted to this Board for ratification at its October 6, 2009 meeting,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the Mayor or Designee in executing a retroactive Memorandum of Understanding between the Port of Miami, a department of Miami-Dade County, Port of Palm Beach, and Port Everglades, a department of Broward County, concerning reciprocity for port access, in substantially in the form attached hereto and made part hereof and to exercise any cancellation provisions therein.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this
3rd day of November, 2009. This resolution shall become effective ten (10) days after
the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become
effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

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MEMORANDUM OF UNDERSTANDING

Between

Port of Miami

Port of Palm Beach

and

Port Everglades Department

Concerning

Reciprocity for Port Access

1.0 Parties To

This Memorandum of Understanding (MOU) is between the Port of Miami, a department of Miami-Dade County, the Port of Palm Beach and Port Everglades, a department of Broward County.

2.0 Purpose

The purpose of this Memorandum of Understanding is to make available a system of reciprocity for issuing access credentials, between the Ports who are parties to this agreement. Those who hold a current and valid credential from the Port of Miami, the Port of Palm Beach or Port Everglades will be authorized access to other ports.

3.0 Data Sharing

The Ports Agree that an Excel file of all IDs will be emailed to the each port's designated point of contact at regular intervals, as determined by the ports' security directors. If a person's credential is revoked or a port receives notice of conviction for an enumerated crime, that port is obligated to immediately notify the ports who are a party to this agreement so their access can be suspended if appropriate.

4.0 Procedures

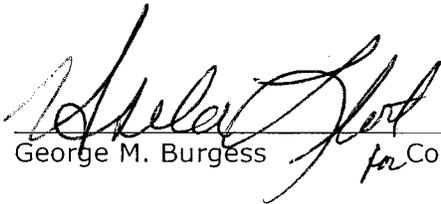
To qualify for reciprocity for each port, the credential holder must appear at the badging office of the respective Port they seek to obtain access to. The holder must present their current ID, or in the case of persons with access authorization from Palm Beach, their Transportation Workers Identification Card (TWIC). The card will then be compared to a data file, supplied by those ports, to verify that the cardholder has a current state criminal history background check and access authorization. If the person's name is in the data base they will be granted access and if necessary they will be issued a card for that port. The access period will correspond to the expiration date at the other port. The fee charged will be determined by the individual port.

5.0 Effective date

This MOU is effectively retroactive to July 1, 2009, and will remain in effect until cancelled by mutual agreement of the ports. Ports that want to terminate the reciprocity arrangement must provide 14 days notice to allow sufficient time to notify port users.

The undersigned are authorized to give approval and execute this MOU between the Port of Miami, the Port of Palm Beach and the Port Everglades Department.

_____ Date _____
Phillip C. Allen Port Director, Port Everglades Department

 _____ Date _____
George M. Burgess *for* County Manager, Miami Dade County

_____ Date _____
Manuel Almira Port Director, Port of Palm Beach