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

GO
Agenda Item No. 6(A)

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

DATE: February 9, 2010

FROM: Diane Collins, Acting Division Chief
Clerk of the Board Division

SUBJECT: Approval of Commission Committee Minutes

Diane Collins

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Government Operations Committee:

January 12, 2010

Attachment
DC/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)

Tuesday, January 12, 2010 **9:30 AM** **COMMISSION CHAMBERS**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter, (305) 375-1967*

1A INVOCATION

Report: *The Committee members observed a Moment of Silence followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Senior Advisor to the County Manager Cynthia Curry; Special Assistant County Manager for Management Assessment and Performance Howard Piper; Assistant County Attorneys Geri Bonzon-Keenan, Daniel Frastai, Craig Coller, Lee Kraftchick and Eric Rodriguez; and Deputy Clerks Judy Marsh and Alan Eisenberg.*

Chairman Gimenez called the meeting to order at 9:53 a.m.

Assistant County Attorney Geri Bonzon-Keenan noted Agenda Item 3B contained a scrivener's error; the word "and" should be added after "rights" in the fifth line of the title.

1D DISCUSSION ITEMS

1D1

100021 **Discussion Item** **Carlos A. Gimenez**
COMMUNITY COUNCIL ORDINANCE ***Presented***

Report: *Assistant County Attorney Geri Bonzon-Keenan advised that the foregoing item was a discussion item and no action would be taken.*

Commissioner Diaz, sponsor of the proposed Community Council ordinance, noted that he had requested Community Council Chairs to provide him with information and he only heard from two people. He suggested that members of the audience be allowed to place their comments on the record.

Mr. Richard Friedman, 6328 NW 175 Terrace, noted he had a business located in Commission District 13, in the City of Hialeah. He expressed concerns about removing non-zoning meetings from residents within the Unincorporated Municipal Service Area (UMSA) and noted a town-hall forum was needed to allow these residents to voice their concerns regarding issues affecting the local community. Mr. Friedman said that he was not opposed to reducing the number of Community Zoning Appeals Boards (CZABs) to four with the reductions in code enforcement personnel. Mr. Friedman noted cost savings by reducing the number of CZABs; a reduction in the non-zoning side that could be administered with the existing zoning staff; and leaving everything open-ended in the event a drastic increase in the number of applications occurred and the Committee might wish to review the number of CZABs to address such an expansion.

Mr. Jeffrey Bercow, Bercow, Radell and Fernandez, 200 South Biscayne Boulevard; appeared in opposition to the proposed Community Council ordinance. He said that CZAB members were responsive to neighbor-resident constituents as they knew their districts; took ownership of the decisions collectively; and reached consensus and addressed issues. Mr. Bercow noted the creation of large districts would prevent CZABs members from knowing their entire district. He said currently many CZABs had problems completing their agendas on a monthly basis and a reduction in CZABs would result in an increased workload and public hearings could be delayed from nine months to one year. Mr. Bercow said zoning applications that were in

process needed to be expedited to create economic development.

Concerning the vacancy issue, Mr. Bercow said that he did not see any appreciable difference between the current and the proposed systems, noting that it would be just as difficult to find good people who were committed, diligent and who would remain on the CZAB.

Mr. Elliott Zack, Chair, Community Council 12, 8370 SW 89 Street, appeared in opposition to the proposed Community Council ordinance and encouraged the Committee to defeat this proposal in its current format. He noted the Community Council system had great value for little cost and offered citizens access that was not available in other areas. Mr. Zack acknowledged that the system could be improved and suggested that the majority of Council members be elected as was currently done today. He noted the recommended geographic changes within the proposed ordinance were arbitrary and not well reasoned; however, better alternatives and efficiencies may be possible.

Continuing, Mr. Zack expressed appreciation to Commissioner Diaz for meeting with him and noted that pursuant to Commissioner Diaz' suggestions, a meeting of the Council Chairs was held two weeks ago and a proposed change was made as follows: to reduce the number of CZABs from 10 to 7 by combining CZABs 2, 7 and 8 in Northeast Dade, and CZAB 16 (Fisher Island) into one district; leaving CZABs 5, 10, 11 and 12 intact because these Councils were working effectively; as well as leaving CZABs 14 and 15 intact. He noted however; that he would endorse the suggestion that Fisher Island be treated differently and addressed through the County Commission as they had very few applications, and CZABs 14 and 15 could be combined if it was the Committee's desire to reduce the number of CZABs to six. Mr. Zack said this would provide efficiency and cost savings and he believed this modification would result in an improvement.

Mr. Joe Valdes, 6645 SW 95 Court, addressed two points that were identified by Commissioner Diaz as a problem: lack of attendance and lack of interest. He noted pursuant to the ordinance establishing Community Councils, unexcused absences for more than three consecutive meetings were grounds for removal, and this could be addressed by the County Commission removing

Council members who did not attend meetings. Concerning appointments, Mr. Valdez said he took issue with the statistical information. He noted the ordinance also provided that whenever a vacancy occurred on a CZAB before the member's term ended, the position should be filled by appointment. Mr. Valdez said that he did not believe that a lack of interest existed in people seeking to hold CZAB positions but rather it was a reflection of how the ordinance was written to provide for appointments.

Commissioner Diaz noted the difficulty in appointing member(s) to the CZABs and said he believed the lack of quorum resulted from an insufficient number of people who were willing to serve. He stated that he was willing to work with CZAB members and would review the issues noted by the speakers. Commissioner Diaz noted he felt some of the meetings should be held in the districts to save money. He stated that the Administration cancelled the non-zoning meetings; not the County Commission. Commissioner Diaz noted a modified version of the proposed Community Council Ordinance would be prepared in order to make this proposal efficient, reliable and to facilitate a local forum for residents.

Ms. Carla Ascencio Savola, 7410 SW 82 Court, stated that the Council Chairs decided to combine Councils to work more efficiently. She expressed appreciation to Commissioner Diaz for always being available and noted CZAB members were not ignoring his efforts. Ms. Ascencio Savola stated that she felt it was necessary to review the number of meetings for each CZAB for efficiencies. She also expressed appreciation to Commissioner Gimenez for offering to sponsor non-zoning meetings. Ms. Ascencio Savola said UMSA residents deserved to have their issues/concerns heard. She noted that non-zoning meetings were important for the unincorporated area and felt two meetings per year would be appropriate.

Ms. Angela Vazquez, 7757 SW 118 Place, Community Council 12 member, noted it was difficult for people who were employed to attend meetings at the Stephen P. Clark Center. She said CZAB 12 meetings normally ran until 11:00 p.m. due to the issues. Ms. Vazquez noted she felt it was important for people to have a place to present their concerns, and for these issues to be discussed in the affected area. She also noted it was important to hold community meetings. Ms.

Vazquez said that she did not believe the election provision should be totally removed from the proposed ordinance because some areas were not responding well, and suggested CZAB meetings be held based on the number of applications. She noted the application paperwork still needed to be processed by staff regardless of the volume and would require the same amount of meetings to be heard.

Commissioner Diaz noted he would work with Assistant County Attorney Coller to address the concerns raised. He also asked Committee members to provide him with suggestions through the appropriate Sunshine requirement for incorporation into the proposed ordinance.

Chairman Gimenez noted he believed Council members should be elected; the number of Community Councils should be logical based on information; and the term "community" should remain in Community Council.

Mr. Zack noted it was his understanding that the proposed Community Council ordinance was scheduled for second reading on the January 21, 2010 County Commission agenda, and felt it should be deferred.

Assistant County Attorney Craig Coller confirmed that the proposed ordinance was on the January 21st agenda; however, the Commission could defer this proposal back to the Committee for further consideration.

Commissioner Diaz noted his intent to withdraw this proposal from the January 21, 2010 Commission agenda and to come back with a modified version.

Assistant County Attorney Bonzon-Keenan asked that legal staff be given an opportunity to review the changes to the proposed Community Council ordinance and determine the appropriate action to be taken. She advised that the ordinance could also be amended at the County Commission meeting without having to come back to Committee.

Assistant County Attorney Coller expressed concerns about amending the proposed ordinance at the January 21, 2010 Commission meeting as it involved new boundaries.

Commissioner Diaz asked Assistant County

Attorney Coller to meet with him to provide further clarification regarding the intent of this ordinance.

Commissioner Seijas said that she initially voted for Community Councils and had seen improvement in the Councils. She concurred with the election of Council members. Commissioner Seijas said she believed Community Councils needed to understand that the process had to come to a halt at some point in time. She suggested that an emergency meeting of Council Chairs be called to discuss the proposed ordinance, and noted all Council members needed to participate and take responsibility.

1D2

100022 **Discussion Item** **Jose "Pepe" Diaz**

CONSUMPTIVE USE PERMIT ***Presented***

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing discussion item into the record.*

Commissioner Diaz noted he asked Mr. John Renfrow, Director, Water and Sewer Department (WASD), to address issues regarding the Consumptive Use Permit (CUP) and the requirements mandated by the South Florida Water Management District (SFWMD).

Chairman Gimenez said the Committee had asked Mr. Renfrow to re-evaluate issues regarding the CUP as the County was committing billions of dollars in infrastructure based on assumptions that had not materialized. He noted less water was being used and questioned whether the infrastructure improvements were necessary considering they would result in an increase in water rates for residents of this community.

Commissioner Diaz said the CUP water issue was a leverage for other counties and a way to stop construction growth. He noted the situation had changed drastically and yet the pressure still existed. Commissioner Diaz said he felt this was wrong and believed the SFWMD was reverting back to its old ways.

Commissioner Sosa said the guidelines and mandates imposed on the County by SFWMD were different than the mandates for other counties; and that the mandates should be consistent throughout. She noted residents of municipalities were questioning why the County was increasing water rates by 73% and this needed to be reviewed.

Commissioner Martinez noted capital improvement projects needed to be paid for and he pointed out that at the last Budget Hearing he voted against the six-percent water rate increase. Commissioner Martinez noted the County Commission had two choices: approve projects and the water rate increase, or not approve projects and the water rate increase. He said the County charged municipalities a wholesale rate of $2.00 and a retail rate of approximately $3.00; however, the municipalities charged their residents a higher rate. Commissioner Martinez

suggested the message that needed to be conveyed to residents was that municipalities, not the County were responsible for increased water rates.

Chairman Gimenez asked Mr. Renfrow to provide the Committee members with a chart of retail water rates charged to residents of the Unincorporated Municipal Service Area versus areas that were not a part of the County's system, such as the City of Hialeah and other municipalities with lower water rates. He asked Mr. Renfrow to provide the Committee members with a schedule of the SFWMD Board meetings, and recommended that Committee members select a date to discuss a plan to reduce capital expenditures with that Board.

Mr. Renfrow said the SFWMD Governing Board would be holding a meeting on Thursday, January 14, 2010, at the Village of Key Biscayne. He noted it was his understanding that commissioners were notified about this meeting. Mr. Renfrow said he was required to provide an update to the SFWMD Board every six months on the Water Use Permits (WUPs). He noted the water demand had decreased due to the County's water conservation efforts, and the demand no longer existed for projects which required the WUP to be done at a certain date. Mr. Renfrow said he would be proposing to the SFWMD Board that these dates be modified and that projects requiring a WUP be deferred due to the decrease in demand. This would result in $12.6 million in eliminated projects and over $1 billion in deferred projects.

Commissioner Diaz said that his office was not notified of the SFWMD Board meeting. He asked Mr. Renfrow to inform commissioners of issues relating to the SFWMD, and to provide all commissioners with a report on the outcome of the Governing Board meeting.

Commissioner Martinez noted an email was forwarded to Commission District 11 on Friday, January 8, 2010, regarding the SFWMD Board meeting.

1E PUBLIC HEARING

1E1

093228 **Ordinance** **Natacha Seijas, Jose "Pepe" Diaz, Audrey M. Edmonson**

ORDINANCE ESTABLISHING CHAPTER 22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING WAGE THEFT, PROVIDING ADMINISTRATIVE PROCEDURES AND PRIVATE CAUSE OF ACTION FOR WAGE THEFT PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation
Mover: Seijas
Seconder: Edmonson
Vote: 5-1
No: Gimenez

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed ordinance into the record.*

Chairman Gimenez opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

The following persons appeared before the Committee in support of this proposed ordinance:

Ms. Cynthia Hernandez, 1847 SW 9th Street, Researcher, Research Institute on Social and Economic Policy, Florida International University. She expressed appreciation to Commissioner Seijas for her initial involvement with wage theft legislation. Ms. Hernandez commented on research performed on wage theft in South Florida.

Mr. Levis Torres appeared on behalf of "We Count." He said that the organization had received daily complaints from construction and agriculture workers regarding wage theft, and that successful implementation of this proposal would result in more money being recovered for working families.

Mr. Jim Junecko, 701 NE 67 Street, #1, 33138, noted his experience with wage theft while working as a bellman for a hotel. He stated that he was asked to work without breaks, and after working a 16-hour shift, the contracted gratuity was not included in his paycheck.

Reverend Gail Tapsch, Board Member, South Florida Interfaith Worker Justice, and representing the Unitarian Universal of Churches, 3970 NW 21 Avenue, Ft Lauderdale, Florida, noted wage theft cuts to the core of moral issues across all religious and ethical lines. She noted

this proposed ordinance could be an opportunity to set a precedent for the County and State.

Ms. Jeanette Smith, 14785 SW 172 Street, representing South Florida Interfaith Worker Justice, noted an incident with Guatemalian workers in South Dade who worked Monday through Saturday without receiving any pay. She pointed out these cases were not unique.

Mr. Jose Rodriguez, 3000 Biscayne Boulevard, Attorney, Florida Legal Services, said the Department of Labor would state that they had no jurisdiction and most workers could not afford an attorney. Mr. Rodriguez noted this ordinance protects both good businesses and victims.

Ms. Emily Eisenhauer, 720 15 Street, Apt. 8, Miami Beach, Florida 33139, Research Institute on Social and Economic Policy, Florida International University, noted wage theft impacts family and communities and took away money needed to circulate through the local economy. She stated that the economic impact of this problem was greater than the cost of implementing the ordinance. Ms. Eisenhauer noted this proposal impacts businesses and workers.

Reverend Renwick Bell, 5050 NE 26 Terrace, Light House Point, Florida 33064, appeared on behalf of Rabbi Solomon Schiff, President, South Florida Interfaith Worker Justice. He spoke in support of this proposed ordinance and emphasized the need to empower those who are powerless.

Mr. Fred Frost, 10961 SW 155 Place, Miami, Florida 33196, South Florida AFL-CIO, appeared in support of this proposed ordinance. He noted too many people were not getting paid.

Ms. Francesca Menes, organizer, Florida Immigrant Coalition, (FIC) 8325 NE 2nd Avenue, Miami, Florida 33138, noted the FIC was comprised of a coalition of faith, union, community organizations, women's organizations, immigrant rights organizations, research institutes, legal service providers and business owners who were in support of this proposal. She referenced a letter of support that was presented to the Committee members and noted the County must send a message that it was not right for people to work and not get paid.

Ms. Renaye Manley, Interfaith Worker Justice

national office, 3301 West Bryn Mawr, Chicago, Illinois, appeared in support of this proposed ordinance. She noted Secretary of Labor Hilda Solis had vowed to increase resources to address wage theft; however, it required innovative partnerships and creative use of local enforcement strategies such as this proposal to assist the U.S. Department of Labor in ending the practice of wage theft. Ms. Manley urged the Committee to forward this proposed ordinance to the County Commission with a favorable recommendation.

Ms. Marleine Bastien, 710 NE 152 Street, expressed appreciation to Commissioner Seijas for bringing forth this issue. She noted this proposed ordinance was about restoring the dignity of workers from all walks of life.

Ms. Silvia Cubides, 139 NE 16 Avenue, North Miami Beach, appeared in support. She noted she had been a victim of wage theft and urged the Committee to support this proposal.

After hearing no other persons to come before the Committee, Chairman Gimenez closed the public hearing.

Chairman Gimenez noted he had fiscal concerns with this proposed ordinance and felt that it needed more debate from the County Commission. He recommended that the Committee forward this proposal to the County Commission without a recommendation.

Commissioner Seijas noted she concurred with Chairman Gimenez that this item needed more debate. She said this ordinance would be considered by the County Commission on February 2, 2010 if forwarded through the normal process. However, she would recommend that it be forwarded to the February 18, 2010 County Commission meeting which would allow an additional two weeks for the public to voice their concerns and to contact Chairman Gimenez to address their concerns.

It was moved by Commissioner Seijas that this proposed ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Edmonson.

Commissioner Diaz commended Commissioner Seijas for this proposal and spoke in support. He noted this was an issue of humanity; not a status

issue and wage theft was a crime. Commissioner Diaz asked to be listed as a co-sponsor to this ordinance.

Commissioner Sosa stated that it was fair to defend those who had no one to assist them and she was supportive of the intent of this proposed ordinance. She noted; however, that she would like to discuss the implementation of this proposal without additional costs. Commissioner Sosa said this ordinance needed to be implemented without placing a burden on poor workers or on taxpayers.

Commissioner Seijas suggested that Chairman Gimenez schedule a Sunshine Meeting with her to discuss his concerns regarding this proposed ordinance.

Chairman Gimenez concurred with Commissioner Seijas' suggestion regarding a Sunshine Meeting and asked Assistant County Attorney Eric Rodriguez who crafted this proposal to be available at this Meeting. He also asked Assistant County Attorney Bonzon-Keenan or Mr. Rodriguez to provide him with a report on the Fair Labor Standards Act, Small Claims Court and any State/Federal laws relating to this issue.

Chairman Gimenez said that he had been a union member for 28 years but he now had different responsibilities and had fiscal concerns. Chairman Gimenez noted he would not be able to vote for this ordinance as presented; however, he could vote for an amended version in the future.

Commissioner Edmonson asked to be listed as a co-sponsor.

Assistant County Attorney Geri Bonzon-Keenan advised that normally this ordinance would be forwarded to the February 2, 2010 County Commission meeting. She noted the subsequent Commission meeting was scheduled for February 18, 2010.

Commissioner Seijas requested and Chairman Gimenez concurred that this proposed ordinance be forwarded to the February 18, 2010 County Commission meeting to allow sufficient time for Chairman Gimenez' concerns to be addressed.

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

2 COUNTY COMMISSION

2A

093357 **Resolution** **Bruno A. Barreiro**

RESOLUTION DECLARING ONE 2001 DODGE STRATUS AND TWO 2004 DODGE STRATUSES SURPLUS AND AUTHORIZING THEIR DONATION TO VICTORY FOR YOUTH CORP.

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

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

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

2B

093356 **Resolution** **Carlos A. Gimenez**

RESOLUTION DECLARING ONE 2000 DODGE VAN SURPLUS AND AUTHORIZING ITS DONATION TO ST. MARY FIRST MISSIONARY BAPTIST CHURCH

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

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

Commissioner Sosa referenced a memorandum dated December 17, 2009 from Commission Chairman Moss regarding the surplus passenger van lottery, and she questioned how commissioners would be made aware of the lottery allocation timeframe.

In response to Commissioner Sosa, Ms. Wendi Norris, Director, General Services Administration, noted the next commissioners in line would be contacted when surplus passenger vans were available.

Commissioner Seijas noted staff had followed up with her on the allocation of these vans.

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

2C

100001 **Resolution** **Dennis C. Moss**

RESOLUTION DECLARING FOUR COMPUTERS SURPLUS AND AUTHORIZING THE DONATION OF TWO COMPUTERS TO DADE COUNTY OVERALL TENANT ADVISORY COUNCIL, INC., ONE COMPUTER TO FIRST BAPTIST CHURCH OF FLORIDA CITY AND ONE COMPUTER TO MT. CALVARY NATIONAL CHURCH OF GOD, INC.

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

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

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

2D

093109 **Resolution** **Sen. Javier D. Souto**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE PRINTED REPORT CONTAINING NAMES, POSITIONS AND SALARIES OF ALL MIAMI-DADE COUNTY EMPLOYEES, TO UPDATE SUCH REPORT ANNUALLY AT TIME BUDGET IS PREPARED, AND TO MAINTAIN A COPY OF MOST RECENT SUCH REPORT AT ALL MIAMI-DADE COUNTY REGIONAL LIBRARIES

Tabled
Mover: Seijas
Seconder: Diaz
Vote: 5-1
No: Gimenez

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

The foregoing proposed resolution was moved by Commissioner Diaz and seconded by Commissioner Edmonson for discussion.

Commissioner Seijas said information concerning employees was available through a public records request. She noted she could not be supportive of this proposal and believed too much had been taken away from employees, including salaries, holidays and other benefits. Commissioner Seijas said that employees should be allowed to feel that they were working with and for the County. She noted it was the employees who performed work in community, not commissioners, and they should be offered encouragement that next year would be better.

Commissioner Diaz concurred with Commissioner Seijas' comments. He noted this proposed resolution was deferred to allow the sponsor to provide an explanation. Commissioner Diaz said that although this information was available upon request, making it available for every one to see was different, especially with the frequency of identity theft. He pointed out that this was not done in the private sector. Commissioner Diaz said that employees had experienced enough hardships and did not need creditors contacting them at the workplace because of information that would be made available. He noted employees should be protected and he would not be supportive of this resolution.

Commissioner Sosa said that she agreed with disclosure in government and felt it was a normal reaction for the public to request salary information. However, she noted that employees did not run for office as commissioners did and

were entitled to their privacy. Commissioner Sosa pointed out that employee privacy was necessary for the safety of their families, especially those who were in sensitive positions and she could not support legislation that would jeopardize employees' safety and welfare.

It was moved by Commissioner Seijas that this proposed resolution be denied. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 5-1, (Chairman Gimenez voted "no").

Assistant County Attorney Bonzon-Keenan advised that a motion to deny would allow this proposal to come back at the next meeting. She noted a motion to lay the item on the table would be necessary.

It was moved by Commissioner Seijas to reconsider. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 6-0.

It was moved by Commissioner Seijas to lay the item on the table. This motion was seconded by Commissioner Diaz.

Commissioner Sosa noted she could not support the motion to lay the item on the table out of respect to Commissioner Souto as she felt he should have the opportunity to withdraw this proposal.

Commissioner Edmonson said she believed it was time to send a message that the Committee would not support this item.

Commissioner Diaz concurred with Commissioner Edmonson. He noted that this item was deferred to allow Commissioner Souto to provide the Committee with an explanation.

Commissioner Sosa noted she was not aware of the deferral and would change her position.

Chairman Gimenez said he would vote against the motion because he was previously a public employee and employment information was public record. He noted while the sentiment was expressed that it would be an attack on employees, he felt it would only be an attack if an employee was embarrassed about his/her salary.

In response to Chairman Gimenez' inquiry,

Assistant County Attorney Bonzon-Keenan advised that if a member of the public wished to obtain employee information, it was available upon a public records request.

Chairman Gimenez recommended that employee information be easier to access online. He noted employees needed to be aware that information including salaries and benefits was public record.

Commissioner Seijas suggested that the public be informed of how they could access public records including employment and salary data.

Chairman Gimenez noted he had experienced difficulty obtaining public information.

Hearing no further comments or questions, and upon being put to a vote, the motion to lay the item on the table passed by a vote of 5-1, (Chairman Gimenez voted "no").

3 DEPARTMENTS

3A

093359 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A SUB-LEASE AGREEMENT AT 2671 N.W. 28 STREET, MIAMI, WITH FANNIE MAE, A FEDERALLY CHARTERED CORPORATION AND A GOVERNMENT SPONSORED ENTERPRISE, FOR PREMISES TO BE UTILIZED FOR OFFICE SPACE TO PROVIDE ASSISTANCE TO DISTRESSED BORROWERS AT RISK OF FORECLOSURE REQUIRING SERVICES; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Seijas
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.*

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

In response to Commissioner Seijas' inquiry whether the traffic pattern for this address had been examined, Ms. Wendi Norris, Director, General Services Administration, said that she would provide Commissioner Seijas with a response on this issue. She noted Fannie Mae approached the County for available office space and considered this an ideal location.

Responding to questions from Chairman Gimenez and Commissioner Sosa respectively; Ms. Norris said the County was not paying rent for any other vacant space, and this proposal would generate cost savings.

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

Later in the meeting and pursuant to Chairman Gimenez' request that this proposed resolution be forwarded to the January 21, 2010 County Commission meeting, the Committee by motion duly made, seconded and carried, voted to forward this proposed resolution to the January 21, 2010 County Commission meeting.

Chairman Gimenez asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman waive the

Committee's rules and allow the foregoing resolution to be heard at the January 21, 2010 County Commission meeting.

3B

093384 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ESTABLISH A POLICY TO PRESERVE LONGEVITY BENEFITS FOR LAID OFF EMPLOYEES WHO HAVE BEEN REHIRED WITHIN TWO YEARS TO A NEW POSITION TO WHICH THEY DO NOT HAVE RECALL RIGHTS PREVIOUSLY EARNED CLASSIFIED SERVICE RIGHTS SHALL NOT BE RESTORED (Human Resources) ***Amended***

Report: *(See Agenda Item 3B Amended; Legislative File No. 100135)*

3B Amended

100135 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ESTABLISH A POLICY TO PRESERVE LONGEVITY BENEFITS FOR EXEMPT AND CLASSIFIED EMPLOYEES WHO HAVE SEPARATED FROM COUNTY SERVICE DUE TO A LAYOFF ACTION OR NON-RETIREMENT VOLUNTARY SEPARATION ON OR AFTER JANUARY 1, 2000, AND WHO HAVE BEEN REHIRED WITHIN TWO YEARS TO A NEW POSITION TO WHICH THEY DO NOT HAVE RECALL RIGHTS AND PREVIOUSLY EARNED CLASSIFIED SERVICE RIGHTS SHALL NOT BE RESTORED [SEE ORIGINAL ITEM UNDER FILE NO. 093384] (Human Resources)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Edmonson
Seconder: Seijas
Vote: 5-1
No: Sosa

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record. She noted this proposal contained a scrivener's error; the word "and" should be added after "rights" in the fifth line of the title.*

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

Commissioner Seijas noted that she would provide an amendment before the second reading of this resolution.

Special Assistant County Manager Howard Piper asked that this resolution be amended to incorporate October 1, 2009 as the effective date.

Commissioners Edmonson and Seijas accepted the amendment.

Commissioner Sosa expressed concern that County employees were being laid off in the midst of an economic crisis. She noted County Commission members had a dual responsibility to ensure employees who were laid off and rehired that they would not be laid off again; and to ensure those employees retained (not laid off) that their salaries would not be reduced or that more layoffs would occur. She questioned the fiscal impact of this resolution and whether employees salaries would be reduced or funding reductions would be realized from additional layoffs, and noted she did not support layoffs or reducing employees salaries to balance the budget. Commissioner Sosa noted it would be costly to

rehire employees and maintain their benefits and an additional funding allocation would be needed to cover the additional costs.

Mr. Piper noted this process currently existed for all classified service employees.

Commissioner Sosa questioned the rationale for forwarding this proposal to the Committee if the policy was already in place.

Mr. Piper noted under the existing policy, laid off classified service employees were placed on a Recall List and called back on a priority basis as positions opened; that once those employees were rehired, their longevity benefits were restored based on recall rights. However, longevity benefits would not be restored for those employees who did not have recall rights. He clarified that the purpose of this resolution was to ensure that all employees were treated equally.

In response to Commissioner Sosa's concern regarding the definition of classified positions, Mr. Piper said many classifications did not fall under classified service.

Commissioner Diaz asked that a Committee workshop be scheduled to discuss and debate the details of this proposed resolution, and to better understand its intent as well as the cost and fiscal responsibility.

It was moved by Commissioner Diaz that this proposed resolution be deferred. This motion was seconded by Commissioner Sosa.

Commissioner Martinez noted this resolution should be submitted for sponsorship by a commissioner or by the County Commission. He noted classified service employees were protected under union contracts approved by the County Commission; whereas non-classified employees were treated differently. However, this resolution would treat all employees the same. Concerning fiscal responsibility, Commissioner Martinez noted with the exception of this year, employees normally received a merit increase and did not receive both merit and longevity. He said this proposal would save money and keep hiring options open. He noted that non-classified employees did not have seniority rights and could be bumped.

In response to Chairman Gimenez' comments

regarding the intent of this proposal, Mr. Piper said currently classified service employees who were laid off and recalled to a classified position would have their longevity benefits restored; however, if a classified service employee was rehired into a non-classified position, that employee would not have his/her longevity benefits restored.

Chairman Gimenez noted he would support this proposed resolution.

The foregoing motion to defer, upon being put to a vote, failed to carry by a vote of 3-3, (Commissioners Diaz, Sosa and Martinez voted "yes") (Commissioners Edmonson, Seijas and Chairman Gimenez voted "no").

It was then moved by Commissioner Edmonson that this proposed resolution be forwarded to the County Commission with Committee amendments to incorporate October 1, 2009 as the effective date of this resolution. This motion was seconded by Commissioner Seijas, and upon being put to a vote, passed by a vote of 5-1, (Commissioner Sosa voted "no").

3C

093307 **Resolution**

RESOLUTION APPROVING IMPLEMENTING ORDER NO. 7-43: DOMESTIC VIOLENCE IN THE WORKPLACE (Office of Fair Employment Practices) ***Amended***

Report: *(See Agenda Item 3C Amended; Legislative File No. 100129)*

3C Amended

100129 **Resolution**

RESOLUTION APPROVING IMPLEMENTING ORDER NO. 7-43: DOMESTIC VIOLENCE IN THE WORKPLACE [SEE ORIGINAL ITEM UNDER FILE NO. 093307] (County Manager)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 6-0

Report: *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 Edmonson.*

Commissioner Seijas noted the fifth paragraph of handwritten page 7 which as read as follows: "Employees who need time off from work due to domestic violence, should notify their manager/supervisor and review available leave options under the Domestic Leave Section of the Miami-Dade County Leave Manual," and noted this reference should be under the "Code of Miami-Dade County." She also noted the second paragraph of handwritten page 8, which read as follows: "If an employee-victim requests time off due to domestic violence, the supervisor shall make every effort to accommodate the employee by approving use of leave ..." was incorrect. She noted employees had the right to leave based on that specific Code. Commissioner Seijas said these two references needed to be revised pursuant to Article VIII, Section 11A-61 of the Code of Miami-Dade County.

Assistant County Attorney Bonzon-Keenan noted staff would make the necessary corrections as scrivener's errors. She also noted an additional scrivener's error on handwritten page 5, under "Authority" which should read "Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter."

Commissioner Martinez accepted the proposed amendments.

In response to Commissioner Martinez' inquiry regarding the delay in bringing forth this proposal, Special Assistant to the County Manager Howard Piper explained that this proposed resolution was delayed pending the outcome of best practices surveys and pending an impact analysis of the proposal and to address State

issues. He noted many departments would be participating in this effort depending on the nature of the complaints and allegations against staff.

Commissioner Martinez noted a policy was implemented during his tenure as County Commission Chair, which provided that whenever directives were given to the Administration, the Clerk of the Board would provide a memorandum to each commissioner with the due date of each directive. He recommended that Chairman Gimenez continue this policy for this Committee.

Commissioner Seijas expressed appreciation to Commissioner Martinez for his efforts regarding domestic violence issues. She recognized Lucia Davis-Raiford, whom she noted was her appointee to the Domestic Violence Oversight Board.

Chairman Gimenez asked the Commission Auditor to monitor all directives given by this Committee; and to notify Committee members and the Administration of due dates for directives. Commissioner Sosa requested and Chairman Gimenez concurred, that a resolution be prepared under her co-sponsorship, directing the Commission Auditor to monitor all directives given by this Committee.

Hearing no further comments or questions, it was moved by Commissioner Martinez that this proposed resolution be forwarded to the County Commission with Committee amendment(s) as follows: to reflect "Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter" under "Authority" on page 5, rather than "Section 4.02; and to reflect that the references on handwritten page 7, fifth paragraph; and handwritten page 8, second paragraph regarding employees who were victims of domestic violence, were pursuant to Article VIII, Section 11A-61of the Code of Miami-Dade County. This motion was seconded by Commissioner Edmonson and upon being put to a vote, passed by a vote of 6-0.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

093405 **Report**

APPROVAL OF COMMITTEE MEETING MINUTES FOR THE NOVEMBER 9, 2009 GOVERNMENT OPERATIONS COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Martinez
Seconder: Sosa
Vote: 6-0

Report: *Hearing no comments or questions, the Committee voted on the foregoing proposed report as presented.*

6B

093404 **Report**

APPROVAL OF COMMITTEE MEETING MINUTES FOR THE DECEMBER 8, 2009 GOVERNMENT OPERATIONS COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Martinez
Seconder: Sosa
Vote: 6-0

Report: *Hearing no comments or questions, the Committee voted on the foregoing proposed report as presented.*

7 REPORT

100269 **Report**

NON-AGENDA ITEM

Report: *Commissioner Diaz stated that Commissioners would gather at 1421 S. Miami Avenue at 2:45 p.m. today (1/12) for the announcement of the host city bid for the World Cup in Miami. He noted Miami had not yet received the bid, but he was making this announcement pursuant to Sunshine requirements.*

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the Government Operations Committee meeting was adjourned at 12:13 p.m.*