MEMORANDUM

Agenda Item No. 7(D)

(Second Reading 7-8-10)

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

DATE: April 20, 2010

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

SUBJECT: Ordinance creating the Miami-Dade County Performance and Efficiency Commission

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: July 8, 2010

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

From: George M. Burgess
County Manager

Subject: Report Regarding Ordinance Creating the Miami-Dade County Performance and Efficiency Commission

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This report provides information regarding the Ordinance Creating the Miami-Dade County Performance and Efficiency Commission. According to Section 2-11.37(b) of the Miami-Dade County Code, the following information is required to be provided to the Board of County Commissioners (BCC) when the BCC proposes a new board.

1. Will the establishment of the board create sufficient betterment to the community to justify the BCC's delegation of a portion of its authority?

   The proposed Commission is advisory in nature and therefore does not require a delegation of authority from the BCC.

2. Is there another board or agency, either public or private, which is already in existence that could serve the same purpose?

   No. There is no other County board or agency that could serve the same purpose as that of the proposed Commission.

3. The costs, both direct and indirect, of establishing and maintaining the board.

   The ordinance creating the Miami-Dade County Performance and Efficiency Commission will have a fiscal impact on the County. However, actual costs of supporting the proposed Commission, inclusive of staff time and other operating expenses cannot be determined at this time. Costs are contingent on a number of factors, including the frequency and location of meetings, printing and distribution costs among others which will be better defined once the Commission is established and operating parameters are defined. Support services will be provided by existing staff from the County Executive Office and the Clerk of the Board which will result in increased workloads for these entities.

4. Is it necessary for the board to enable the County to obtain State or Federal grants or other financing?

   No. As proposed, the Commission is not being created to enable the County to seek State or Federal grants or other financing.

5. Should the board have bonding authority?

   Based on the duties of the proposed Commission, the Commission does not need to have bonding authority.

6. Explain whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the BCC.

   As proposed, the Commission would not have authority to enter into contracts or to spend County funds.

7. Is the creation of a new board the best method of achieving the benefit desired?

   While the duties assigned to the proposed Commission are already undertaken as part of the County's resource allocation process, strategic planning activities and performance assessment and improvement efforts, the creation of the Performance and Efficiency Commission can contribute to the development of recommendations regarding efficiency, effectiveness, and best practices for the County.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: July 8, 2010

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

From: George M. Burgess
County Manager

Subject: Ordinance Creating the Miami-Dade County Performance and Efficiency Commission

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The ordinance creating the Miami-Dade County Performance and Efficiency Commission will have a fiscal impact on the County. However, actual costs of supporting the proposed Commission, inclusive of staff time and other operating expenses cannot be determined at this time. Costs are contingent on a number of factors, including the frequency and location of meetings, printing and distribution costs among others which will be better defined once the Commission is established and operating parameters are defined. Support services will be provided by existing staff from the County Executive Office and the Clerk of the Board which will result in increased workloads for these entities.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: July 8, 2010

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

SUBJECT: Agenda Item No. 7(D)

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. 7(D)
7-8-10

ORDINANCE NO. _____

ORDINANCE CREATING THE MIAMI-DADE COUNTY PERFORMANCE AND EFFICIENCY COMMISSION; SETTING FORTH POWERS AND DUTIES AND MEMBERSHIP REQUIREMENTS OF SUCH COMMISSION; PROVIDING FOR APPOINTMENT OF MEMBERS AND CERTAIN OFFICERS OF THE COMMISSION; REQUIRING QUARTERLY REPORT AND PROVIDING FOR STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, since the late 1990s, the County has recognized the importance of efficiency and competition reviews and analyses, as demonstrated by the creation of the Efficiency and Competition Commission which made noteworthy and important recommendations regarding the operations of the County during its existence; and

WHEREAS, Miami-Dade County has made commendable strides in self-evaluation, including the administrative analyses and processes put in place by the Governing for Results Ordinance adopted by the Board of County Commissioners codified as County Ordinance No. 05-136; and

WHEREAS, in light of decreasing governmental resources during difficult economic times in our community and globally, it is incumbent upon the County to be able to identify even more efficiencies in county governmental operations in order to continue to deliver the high caliber of services enjoyed by our residents and to meet unmet needs; and

WHEREAS, Miami-Dade County should access the private sector's capabilities and interest in increasing the efficiency of the operations of Miami-Dade County, while taking advantage of the wisdom of labor representatives, academicians and County representatives in identifying performance improvements and efficiencies; and

WHEREAS, creation of a Commission as contemplated by this ordinance will allow the public at large to participate in the evaluation of the government and review the performance measurement systems put in place by County administration; and

WHEREAS, the County's Governmental Structure Task Force recommended the re-creation of a new commission to continue the mission of the Efficiency and Competition Commission which is inactive; and

WHEREAS, in recognition of the aforementioned circumstances, the Board of County Commissioners created the Miami-Dade County Performance and Efficiency Commission by County Resolution No. R-874-09 and wishes to extend the life of this Commission for one year or more, so that the important work of this Commission can be thoughtfully and thoroughly undertaken,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Creation; Powers and Duties. The Miami-Dade County Performance and Efficiency Commission is hereby created. The duties of the Miami-Dade Performance and Efficiency Commission shall be to:

a. Provide and obtain private and public sector input on the performance and efficiency of the operations of Miami-Dade County and prioritize recommended improvements;

b. Recommend cost-effectiveness measures and best business/management practices which will realize savings and improve service delivery, including but not limited to, identifying opportunities for increased competition and efficiency, reorganizations, appropriate incentives such as performance pay and other gain sharing approaches, innovations in the building and permitting processes; and public-private price and performance competition projects which can be undertaken with county workers to ensure the highest potential value of services provided;

c. Recommend ways to explore and promote technology improvements as a means of achieving optimal operational effectiveness, as well as recommend ethics management and accountability measures for Miami-Dade County government;

d. Recommend management systems development, conduct project reviews and studies and participative management and employee recognition programs, public relations, and training and development programs;

e. Review the County's Strategic Plan and other administrative mechanisms to implement the County's Strategic Plan in order to accomplish the aims of this resolution; and

f. Monitor the implementation of recommended changes.

Section 2. Membership Requirements; Appointment of Members. The Performance and Efficiency Commission shall consist of nineteen (19) members, who shall be residents of Miami-Dade County and shall own or operate businesses in Miami-Dade County or are employed in Miami-Dade County. The Board of the Performance and Efficiency Commission shall consist of the following appointees:

a. Six members appointed under the business category, who shall be appointed by the:

   1. Greater Miami Chamber of Commerce;
   2. Miami-Dade Chamber of Commerce;
   3. Latin Chamber of Commerce of the United States (CAMACOL);
   4. Three persons appointed by the Board of County Commissioners;

b. Five members appointed under the labor category, who shall be appointed by the:

   1. AFSCME International
   2. Dade County Police Benevolent Association (PBA);
   3. International Association of Firefighters, Local 1403;
   4. Government Supervisors Association of Florida;
   5. Services Employees International Union (SEIU) -- Nurses at Jackson Memorial Hospital;

c. Four members appointed under the education category, who shall be appointed by the:

   1. Florida International University;
   2. The University of Miami;

3. Miami-Dade College;

4. Florida Memorial University;

d. Two Miami-Dade County Commissioners chosen by the Chairman of the Board of County Commissioners;

e. One Miami-Dade County Commissioner chosen by the Chair of the Board of County Commissioners, who shall serve as the chair of the Performance and Efficiency Commission; and

f. One member chosen by the Mayor of Miami-Dade County.

Section 3. Officers. The Chairman of the Board of County Commissioners shall appoint the Chairperson and the Vice-Chairperson of the Performance and Efficiency Commission by memorandum to the Clerk of the Board of County Commissioners.

Section 4. Reporting. The Performance and Efficiency Commission shall submit quarterly reports on the status of the assignments given pursuant to this resolution.

Section 5. Staff Support. The Mayor or his designee shall provide staff support to the Performance and Efficiency Commission.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynthia Johnson-Stacks

Prime Sponsor: Chairman Dennis C. Moss