



MEMORANDUM
Harvey Ruvlin
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GO
Agenda Item No. 6(A)

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

DATE: June 8, 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:

May 11, 2010

DC/jt
Attachment



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, May 11, 2010

9:30 AM

COMMISSION CHAMBERS

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

Members Absent: Audrey M. Edmonson, Natacha Seijas.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Jill Thornton, Commission Reporter (305) 375-2505.*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

2

1D2

101214 Discussion Item **Rebeca Sosa**
 DISCUSSION REGARDING THE MIAMI-DADE WATER AND SEWER/MUNILLA CONSTRUCTION MANAGEMENT (MCM) INC. - SOUTH DISTRICT WASTE WATER TREATMENT PLANT - CONTRACT NO. S-808(A) **Withdrawn**

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

Chairman Gimenez relinquished the Chair to Commissioner Diaz; recused himself from this item, and left the meeting chamber.

In response to Commissioner Sosa's question, whether the Water and Sewer Department (WASD) and the County Attorney's Office were currently working together to produce an action item that would address all concerns and opinions regarding this contract, and thus a discussion on this item was not needed today, Mr. John Renfrow, WASD Director, noted that was correct.

Commissioner Martinez noted he shared similar concerns regarding this contract, but did not agree with Mr. Renfrow's interpretation of it. He asked what had changed.

Mr. Renfrow noted his concerns had always been the interpretation of the contract, and he needed to get a better interpretation from the legal department.

Commissioner Sosa withdrew the foregoing discussion item.

1E SPECIAL PRESENTATION

1E1

101109 Discussion Item **Dennis C. Moss**
 COUNTY ADVISORY BOARD RECOGNITION PROGRAM **Presented**

Report: *Commissioner Diaz, on behalf of Chairman Gimenez, recognized and presented certificates of appreciation to members of various county advisory boards.*

1F COMMISSION AUDITOR

1F1

101152 Report

AUDIT OF IMPLEMENTATION OF LIGHT VEHICLE REDUCTIONS AND INTERNAL CONTROLS (Commission Auditor)

Report Received

Mover: Diaz

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

Report: *Commissioner Diaz commended Commission Auditor Charles Anderson and his team for performing a good audit and for finding irregularities and cash discrepancies, which resulted in a prosecution and a savings to the County.*

Commission Auditor Anderson expressed appreciation to General Services Administration (GSA) Director Wendi Norris and her staff for their support in resolving these issues. He noted the discrepancies were noted and the case still pending, but the person in question was released from County employment.

Commissioner Sosa also commended Mr. Anderson and his team for the audit, and suggested recommendations be developed for establishing guidelines for meeting take-home vehicle and gas use reduction goals, in order to improve percentages.

In response to Commissioner Sosa's inquiries, whether any Court Specialists were issued take-home vehicles, and if so, how many, and whether the expense was charged to the General Fund (GF), Ms. Wendi Norris, GSA Director, noted that take-home vehicles were issued to some Court Specialists, but she did not currently have answers to Commissioner Sosa's other questions.

Commissioner Sosa asked the Commission Auditor to provide a follow-up report reflecting how many Court Specialists had been issued take-home vehicles and if that expense was supported by the GF. She also asked Ms. Norris to provide committee members with a complete cost analysis on every take-home County vehicle issued, by department, distinguishing between public safety and all other departments.

Chairman Gimenez noted that based on the audit, it appeared the County had issued more take-home vehicles and had fewer employees. He asked that the report include the number of take-home

vehicles issued in 2007 by classification, excluding the police department. Chairman Gimenez pointed out that MDPD's contract included take-home vehicles. He asked why a Court Specialist needed a take-home vehicle.

Ms. Norris advised that she would work with each department to do an operational analysis when gathering the information requested for this report, and would include classification and justification for take-home vehicles in the report.

Ms. Norris responded to Chairman Gimenez' reference to language on handwritten page 9 of this item; his indication that 11 of 29 departments had take-home vehicles; his reference to a previous directive that departments submit re-justification reports to the GSA department within 60 days; his indication that the 11 departments had previously not complied with this directive; and his question regarding whether the 11 departments had yet complied with this directive. Ms. Norris replied that the departments in question had complied with the directive.

Chairman Gimenez pointed out that according to this audit, gas consumption had not decreased much, even though specific goals were set to reduce it. He asked the GSA Director to find out whether or not an Administrative Order (AO) was implemented to monitor gas consumption, and if so, whether staff was complying with it.

Commissioner Diaz noted he believed a report on all take-home vehicles and gas consumption was already done. He suggested GSA add the additional information requested by Chairman Gimenez to the existing report.

Commissioner Martinez asked if GSA's existing response memorandum regarding the County's fleet already included the information requested by Chairman Gimenez, and noted if not, he would like a copy of it along with the additional information requested.

Ms. Norris noted she was unsure whether 'justification' was included in that memorandum, but believed the rest of the information was, and would provide all the information requested.

Commissioner Sosa concurred with leaving the police department out of the report; however, she noted that based on her interpretation of this audit that more take-home vehicles were now on the

road than should be, she wanted the GSA report updated to include each department's name, classification, justification, vehicle number and date issued, as well as the cost of gas, maintenance, and insurance coverage for each vehicle.

Hearing no further comments or questions, the Committee proceeded to vote to receive the foregoing report.

1G PUBLIC HEARINGS

1G1

100757 Ordinance

Natacha Seijas,

Jose "Pepe" Diaz, Dorrin D. Rolle

ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA THAT PROHIBITS WAGE THEFT TO CLARIFY REASONABLE TIME FOR PAYMENT PROVISION; PROVIDING INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Secunder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

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

Chairman Gimenez opened the public hearing; however, he closed it after no one responded to his call for persons wishing to be heard in connection with this ordinance.

In response to Commissioner Martinez' inquiry concerning whether this ordinance was more helpful to private businesses than the original ordinance, Assistant County Attorney Bonzon-Keenan noted to the extent the employer had established a pay period, this would give some relief to the employer.

Commissioner Diaz noted this ordinance would correct the payment provision in the original ordinance by allowing a reasonable time (more time) for the employer to pay.

In response to Chairman Gimenez' inquiry regarding how many complaints the County had received since this legislation was implemented, and how many complaints had gone to a hearing, Ms. Penny Townsley, Director, Department of Small Business Development (DSBD), noted DSBD had received nine (9) complaints, of which five (5) were for unpaid wages prior to adoption of the ordinance, and none had gone to a hearing. She noted the implementing order still needed to be approved by the Commission.

Responding further to Chairman Gimenez' inquiries, Ms. Townsley noted the County did not have jurisdiction over the five complaints for unpaid wages, and the status of the remaining four was pending information.

Chairman Gimenez asked Ms. Townsley to monitor and document complaints received regarding unpaid wages and to determine whether

other legal means were available at the State and federal levels for individuals to voice their complaints.

Following Commissioner Diaz' request to be listed as a co-sponsor to this ordinance, and his question regarding how many businesses in the County would be affected by this legislation, Ms. Townsley noted she did not have that information at hand, but the number was significant. She added that this legislation would impact those businesses that typically did not fall under the Department of Labor's jurisdiction.

Commissioner Diaz reiterated the intent of this ordinance was to correct the payment provision and allow a longer time period for making payments.

Chairman Gimenez noted he had no problems with this legislation, but wanted to know the impact of the first ordinance on the County; and if other avenues existed, he wanted the number of complaints to be tracked that had gone to the County, the federal government or Small Claims Court.

Hearing no further comments or questions, the Committee proceeded to vote on this ordinance, as presented.

1G2

100694 Ordinance**Dennis C. Moss,****Bruno A. Barreiro**

ORDINANCE AMENDING SECTIONS 2-471 AND 2-1782 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; TO PROVIDE AT THE END OF EACH FISCAL YEAR ALL UNEXPENDED BALANCES WITHIN THE DIVISION OF THE OFFICES OF THE COMMISSION AUDITOR AND INTERGOVERNMENTAL AFFAIRS SHALL BE TRANSFERRED TO THE DIVISION OF THE OFFICE OF THE CHAIR UNDER THE BOARD OF COUNTY COMMISSIONERS BUDGET TO BE ADMINISTERED AS PART OF THE POOL BUDGET; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

The motion that this matter be Forwarded to BCC with a favorable recommendation failed.

Mover: Sosa

Seconder: Diaz

Vote: 2-2

No: Gimenez, Martinez

Absent: Edmonson, Seijas

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

Chairman Gimenez opened the public hearing; however, he closed it after no one responded to his call for persons wishing to be heard in connection with this ordinance.

Commissioner Martinez noted he felt it was unfair to require several County departments to streamline their budgets and put their carryover funds back into the General Fund, and not require the same for these two departments. He also noted he did not agree with placing surplus funds into a pooled account to be used at the BCC Chair's discretion for any reason, and would not support this ordinance.

Chairman Gimenez noted he had some issues with this ordinance as well, and would not support it.

Hearing no further comments or questions, the Committee proceeded to vote on this ordinance, which failed by a vote of 2-2.

1G3

100931 Ordinance

Sally A. Heyman,

Jose "Pepe" Diaz, Carlos A. Gimenez, Rebeca Sosa
ORDINANCE RELATING TO FOR-HIRE MOTOR
VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT
NO CHAUFFEUR SHALL REFUSE OR NEGLECT TO
TRANSPORT ANY PERSON TRAVELING WITH A
SERVICE ANIMAL; PROVIDING FOR DEFINITION OF
SERVICE ANIMAL, PENALTIES, SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Amended

Report: *(See Agenda Item 1G3 Amended, Legislative File
No. 101383, for the amended version.)*

1G3 AMENDED

101383 Ordinance

Sally A. Heyman,

Jose "Pepe" Diaz, Carlos A. Gimenez, Rebeca Sosa
 ORDINANCE RELATING TO FOR-HIRE MOTOR
 VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF
 MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT
 NO CHAUFFEUR SHALL REFUSE OR NEGLECT TO
 TRANSPORT ANY PERSON TRAVELING WITH A
 SERVICE ANIMAL; PROVIDING FOR DEFINITION OF
 SERVICE ANIMAL, PENALTIES, SEVERABILITY,
 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
 (SEE ORIGINAL ITEM UNDER FILE NO. 100931)

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

Mover: Sosa

Secunder: Martinez

Vote: 4-0

Absent: Edmonson, Seijas

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

Chairman Gimenez opened the public hearing.

*The following persons appeared in support of this
 ordinance:*

*1) Ms. Elizabeth McNally, 1960 NE 185 Terrace,
 North Miami Beach, member of the Citizen's
 Transportation Advisory Committee (CTAC),
 member of the National Federation for the Blind,
 service animal user, and former Chair of the
 Commission on Disability Issues, noted she had
 trouble getting taxi cabs while accompanied by a
 guide dog, and that Special Transportation
 Services (STS) was not always an option.*

*2) Ms. Virginia Jacko, President, Miami
 Lighthouse for the Blind, noted she travels a lot to
 speak on behalf of all service animal users and
 was totally blind. She spoke of her experiences
 being refused rides by taxi cab drivers because she
 was accompanied by a guide dog, which served as
 her eyes. She noted many well-intended taxi
 drivers refuse guide dogs because of a State law;
 and felt this action was a violation of her civil
 rights and the County's rules needed to be
 stiffened.*

*3) Mr. Diego Feliciano, South Florida Taxicab
 Association (SFTA), noted he felt the disabled
 should be able to get a taxi cab whenever needed.
 He noted his only concern with this ordinance was
 that the fines might be too stiff and could
 adversely impact the Taxi Cab business. He
 supported better enforcement rather than steeper
 fines.*

4) Mr. Les Eisenberg, Metro Taxi, spoke of cab drivers on Miami Beach refusing to stop for persons accompanied by guide dogs because of Florida Statute (FS) 316.1945, which prohibits improper stopping. He expressed concern about how this ordinance would be reconciled with the State law in order to keep cab drivers from violating the law.

5) Mr. John Valdez, 5590 SW 5 Terrace, noted as a cab driver, he would continue stopping for disabled persons accompanied by guide dogs; and if issued a citation for violating the State law, he would report the issuing officer to the American Disabilities Association. However, he noted he opposed companies being sued for their drivers not stopping; and felt it was the driver's responsibility.

6) Ms. Sandra Hicks, 8211 SW 30th St., President, Local National Federation of the Blind, noted she was born blind and had been disregarded by taxi cab drivers because she was accompanied by her guide dog. She noted having her dog gave her independence, which allowed her to travel to speak on the rights of the disabled concerning service animals.

The following appeared in opposition:

1) Mr. Raymond Francois, 11970 NE 16th Avenue, expressed concern that this ordinance did not specify fines or types of service animals. He asked if it applied to all service animals, including horses.

Chairman Gimenez closed the public hearing after seeing no one else wishing to speak on this matter.

It was moved by Commissioner Sosa that the Committee forward the foregoing proposed ordinance to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Martinez, and followed by a discussion.

Commissioner Diaz concurred with the comments of Mr. Valdez. He noted taxi cab services were important because taxis were the first entity seen in this community by tourists traveling through Miami's airport. He noted he supported the recommendation of the County Attorney for fines of \$500 for the first offense, \$1,000 for the second, and a loss of license for a third offense, though he felt they were not strong enough. He asked

whether this ordinance included a requirement for taxi cab companies to provide drivers a memorandum to check-off or sign, indicating they had received and understood this legislation.

Ms. Cathy Grimes Peel, Director, Consumer Services Department (CSD), noted CSD would conduct an extensive informational campaign to ensure all tax cab chauffeurs were aware of this change in the legislation. She noted CSD currently conducts chauffer training classes with a session on ADA issues.

Commissioner Diaz said he preferred having the taxi cab companies provide employees with a memorandum similar to a standard operating procedure (SOP) memorandum that they could sign, acknowledging they were aware of the new procedures. He noted he believed the issue concerning other types of service animals was covered under federal law.

In response to Commissioner Diaz' request for legal clarification of issues related to this preference he just expressed, Assistant County Attorney Gerald Sanchez noted that when a chauffeur was ready to renew his or her registration, staff could provide a form for the chauffeur to sign in acknowledgement that he or she had read and understood these provisions.

Responding further to Commissioner Diaz' inquiry regarding whether a company could be required to do the same, Assistant County Attorney Sanchez noted that requirement could be imposed on companies as well, but the issue, logistically, was how that would occur.

Ms. Peel noted CSD could incorporate a provision in the chauffeur's application and renewal process for drivers to sign, acknowledging they understood this requirement, and could develop a document for owners of rental companies to sign and return to CSD, since not many rental companies existed. She advised it would take approximately two years for all chauffeurs in the renewal process to be informed.

Commissioner Diaz asked to amend this ordinance to incorporate language as such.

Commissioner Sosa accepted the amendment. She pointed out that a service animal was defined by federal law 28CFR36.104, and refusing to transport a disabled person with guide animal was

already illegal. She noted the intent was to be sensitive to those with a disability. She asked to be listed as a co-sponsor of this ordinance.

Commissioner Diaz asked to also be listed as a co-sponsor of this ordinance.

Chairman Gimenez spoke in support of this proposed legislation, and asked to be listed as a co-sponsor of it.

Hearing no further comments or questions, the Committee forwarded the foregoing proposed ordinance to the County Commission with a favorable recommendation, with committee amendment(s) to incorporate in the Chauffeur's application and renewal process, a provision for drivers to sign, and thereby, acknowledge they understood the requirements set forth in this ordinance.

1G4

100518 Ordinance

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CHAUFFEUR TO UTILIZE SUNPASS LANE WHEN TRANSPORTING PASSENGERS; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Consumer Services Department)

Amended

Report: *(See Agenda Item 1G4 Amended, Legislative File No. 101330, for the amended version.)*

1G4 AMENDED

101330 Ordinance

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CHAUFFEUR TO UTILIZE SUNPASS LANE WHEN TRANSPORTING PASSENGERS; AMENDING CHAPTER 8CC OF THE CODE TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL VERSION UNDER FILE NO. 100518] (Consumer Services Department)

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

Mover: Martinez

Second: Diaz

Vote: 4-0

Absent: Edmonson, Seijas

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

Ms. Cathy Grimes Peel, Consumer Services Department (CSD) Director, read into the record the following amendments: insert the words "where the toll is fixed" at the end of the first sentence in subsection 6, following the words "and or bridge"; and insert a new sentence after the first sentence in subsection 6 that read: "where the Sunpass lane or Sunpass express toll is not fixed, the chauffeur shall determine whether the passenger desires to use the Sunpass only or Sunpass express lane and comply with the wishes of the passenger."

Ms. Peel answered "Yes" to Chairman Gimenez' questions regarding whether the amendment would give the passenger an option to use the Sunpass lane; and if the chauffer would be required to use the Sunpass lane, if the toll was fixed.

Chairman Gimenez opened the public hearing

The following persons appeared in opposition to this ordinance:

1) Mr. Raymond Francois, 11970 NE 16th Avenue, noted he received a "no" in response to his letter to Governor Bush inquiring whether it was legal for the government to require a taxi chauffer to obtain a Sunpass. He noted the problem was many taxi chauffeurs did not own vehicles, and a tag registration was needed to obtain a Sunpass. He advised of another issue regarding drivers being unable to exit I-95 at NW 12th Avenue when using the Sunpass lane.

2) Mr. Jose Javier Rodriguez, 3000 Biscayne Boulevard, noted currently no enforceable legislation existed for requiring cab drivers to use a Sunpass lane. He noted the Taxi Cab Industry consisted of rental companies, full or part-time drivers, drivers who owned vehicles, and drivers who rented them; and allocating responsibility between them was a complicated issue. Mr. Rodriguez also indicated this ordinance should address transportation policy broadly, and all other types of passenger vehicles in addition to taxi vehicles. He pointed out that citations already issued to cab drivers under the old policy were in limbo while Code Enforcement awaited further direction from this Board.

3) Mr. Lavener Alexis, 12790 NE 12th Avenue, noted it was unfair to require a cab driver to have a Sunpass; having one should be an option. He noted most cab drivers did not own their vehicles, some rented different vehicles daily, and the Board should consider how to implement this legislation fairly.

The following individuals appeared before the Committee in support of the foregoing ordinance:

1) Mr. Norman Wartman, 665 NE 25 Street, member of CTAC, noted soon all cab drivers would have to address Open Road Tolling (ORT), which had no cash option, collected tolls by the license plate, and meant owners would be billed regardless. He noted he would like to see this legislation expanded to apply to commercial and other types of passenger vehicles as well.

2) Mr. John Valdez, 5590 SW 5 Terrace, noted eventually OTR's would charge by vehicle tag number and create conflict between cab drivers who did not own their vehicles and owners who would pass the cost to drivers. He noted he loved using the Sunpass lane, and he felt cab drivers should be able to pass the cost of tolls to their passengers.

3) Mr. Les Eisenberg, Metro Taxi, noted currently, there were exemptions at the I-95 north and south bound toll lanes for car pooling and motorcycles. He suggested seeking an exemption for taxi cab drivers as well.

4) Mr. Jessie (last name unknown), 241 NW 32 St, noted he did not oppose using the Sunpass, but opposed requiring tax cab drivers to use it; using it should be optional for the drivers.

5) Mr. Xavier Cortes, (address not given), requested that taxi cab drivers be exempt from toll lanes, and taxi cab drivers' use of Sunpass be optional.

6) Mr. Diego Feliciano, SFTA, appeared in support; however, he noted requiring part-time drivers of 24-hour cab sub-leasing operations to have a Sunpass would be an issue. He recommended taxi cabs be exempted from the requirement of having a Sunpass and that it be optional.

Seeing no one else wishing to speak on this matter, Chairman Gimenez closed the public hearing.

It was moved by Commissioner Martinez that the Committee forward the foregoing proposed ordinance to the County Commission with a favorable recommendation, with the amendments noted by Ms. Peel. This motion was seconded by Commissioner Diaz, followed by a discussion.

Responding to Commissioner Sosa's question regarding whether taxi cab chauffeurs were already required to have a Sunpass by an existing resolution, Assistant County Attorney Gerald Sanchez noted a resolution existed that required such, but it was not codified. He noted this ordinance would codify that requirement and explicitly impose a penalty.

Commissioner Sosa suggested during the period that this requirement was being codified and transitioned into law, first offenders be issued a warning instead of a fine. She noted her concern was regulating taxi cab drivers who subleased a different vehicle daily. She spoke of having been cited for using her Sunpass in her husband's car, and expressed concern that this would be an issue. She asked if the Consumer Services Department (CSD) could work with the Sunpass Industry to make Sunpasses that were transferable from vehicle to vehicle in order to accommodate taxi cab drivers who rented cars.

Ms. Peel noted she had discussions with Sunpass Industry on that very issue, and was told there were two types of devices: 1) a thin, non-transferable device that attaches to the windshield; and 2) a portable device that attaches to the windshield with suction cups and could be transferred from vehicle to vehicle. She also noted a tag number was requested when applying for a

Sunpass device online, but was not requested when setting up an account by phone. She noted Sunpass representatives felt this ordinance was a viable approach.

Commissioner Sosa asked if a taxi cab driver could be cited for using a transferable device, and if the driver or the owner of the vehicle was responsible for purchasing a non-transferable device.

Ms. Peel noted this ordinance did not designate which party would be responsible for purchasing the device, but said the taxi chauffer must use the Sunpass lane when transporting a passenger. She noted the previously established policy states the driver was responsible. Ms. Peel pointed out the critical element was having funds in a Sunpass account, and the tag number would only come into play if a violation occurred.

Commissioner Sosa asked how drivers with no credit could obtain or replenish Sunpass accounts. She said she felt his ordinance had good objectives, but needed further tweaking from the industry and CSD, which needed to define better the party responsible for purchasing the Sunpass device, paying fines, and to ensure the fines were not passed on to the customer.

Ms. Peel commented that for the past four years, it had been the driver's responsibility to have a Sunpass devise.

Commissioner Sosa pointed out that fines could not be imposed for the 80 pending citations for violations committed since this regulation was established in 2005 because the existing resolution did not provide for penalties.

Ms. Peel advised that beginning June 1, 2010, Sunpass would be employing a new system that included 225 self-serving, kiosks installed at locations throughout the County that would enable cab drivers to replenish their accounts using cash rather than credit cards. She noted she was told the first 225 would be installed as of June 1 and another 200 to 300 would be installed in July.

Commissioner Sosa noted she was hopeful that everyone would use the Sunpass in the future to alleviate traffic congestion; however, she felt this ordinance needed to be clarified somewhat.

Commissioner Diaz pointed out that prepaid credit

cards could be purchased at several locations as well, and used to replenish Sunpass accounts.

Upon recognition by Commissioner Sosa, Mr. Feliciano noted the issues were which party (the leasing company, the taxi cab vehicle owner, or the driver) would be required to have a Sunpass; and who would be cited for a violation, since some part-time drivers leased vehicles from a leasing company.

Commissioner Sosa asked Ms. Peel, CSD Director, to respond to all her concerns raised today regarding whether part-time taxi drivers and chauffeurs who leased vehicles or owners of taxicab companies would be responsible for purchasing the Sunpass; whether citations for violations would be issued to the driver or owner; the enforcement method to be used for pending citations; and whether a driver would be able to establish a Sunpass account without a credit card. She also asked the Director to respond to these issues and those raised by the industry before this ordinance was considered by the County Commission.

In response to Commissioner Martinez comments that he understood the ordinance required the vehicle to have a Sunpass, Ms. Peel clarified the requirement was for the physical vehicle to travel through the Sunpass lane when a passenger was in it. She noted the policy established four years ago stated the driver was responsible for having a Sunpass.

Commissioner Martinez noted the real issue was about money, and many drivers could charge their passengers for Sunpass tolls. He suggested finding a way for taxi drivers to incorporate Sunpass tolls in their rates. He said he felt the responsibility should fall not on the driver, but on the vehicle itself, which could be a policy the County could regulate.

Responding to Ms. Peel's comments that the foregoing ordinance just said the Sunpass must be used when a passenger was in the vehicle and did not assign responsibility for the purchase of it, Commissioner Martinez noted that the existing policy remained in effect if this ordinance did not change it.

Assistant County Attorney Sanchez noted he viewed this ordinance as superseding the prior policy; that as written, it did not say who must

purchase the Sunpass device, but just that the device must be used. He noted the prior policy was an existing resolution, and this was an ordinance.

Commissioner Martinez asked to amend the foregoing ordinance to include the existing resolution and all language contained therein.

In response to Commissioner Diaz' question regarding whether the amendment would detract from the original intent, Assistant County Attorney Sanchez said it would not. He also noted it would still require the Sunpass lane to be used when passengers were in the vehicle, but assign the chauffer responsibility for the presence of a Sunpass device in the vehicle.

Commissioner Diaz noted the intent of this proposed ordinance was to alleviate traffic congestion, and he maintained his second to the motion being amended. He noted staff could resolve the issues before this item was considered by the County Commission.

Regarding Commissioner Sosa's concern that the amendment still did not state who was responsible, Assistant County Attorney Sanchez advised that he would draft language to incorporate the prior resolution and to assign responsibility.

Commissioner Diaz asked staff to ensure the amended ordinance was drafted appropriately, so as to avoid an issue with the item not being properly advertised.

Chairman Gimenez noted he supported the amendment, but asked Ms. Peel, along with Assistant County Attorney Sanchez, to determine whether Sunpass accounts could be replenished by automated debit from a customer's checking account.

Hearing no further comments or questions, the Committee forwarded the foregoing proposed ordinance to the County Commission with a favorable recommendation, with committee amendment(s) to insert the words "where the toll is fixed" at the end of the first sentence in subsection 6, after the words "and or bridge;" to insert in subsection 6, after the first sentence, the following sentence: "Where the Sunpass lane or Sunpass express toll is not fixed, the chauffeur shall determine whether the passenger desires to use the Sunpass only or Sunpass express lane and

comply with the wishes of the passenger;" and to include in this ordinance, the existing resolution and all language contained therein.

2 COUNTY COMMISSION

2A

100747 Resolution

Bruno A. Barreiro

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT: EACH COUNTY COMMISSIONER SHALL DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER AND HOLD NO OTHER EMPLOYMENT; NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097), AND USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY; AND SHALL SERVE NO MORE THAN FOUR CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

Tabled

Mover: Martinez

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

Report: *Chairman Gimenez noted Agenda Items 2A through 2D involving Commissioners' Pay were already resolved at the Special BCC meeting held on May 3-4, 2010.*

Assistant County Attorney Geri Bonzon-Keenan noted these items were regarding Commissioners' Pay, and any motion would be in order.

The Committee proceeded to vote on a motion to table these items.

2B

100970 Resolution Audrey M. Edmonson

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT: EACH COUNTY COMMISSIONER SHALL NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097), AND USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY; AND SHALL SERVE NO MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

Tabled**Mover: Martinez****Seconder: Sosa****Vote: 4-0****Absent: Edmonson, Seijas**

Report: See Agenda Item 2A, Legislative File No. 100747, for the report.

2C

100796 Resolution Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COUNTY COMMISSIONERS SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE WITH TERMS OF OFFICE COMMENCING ON OR BEFORE 2010 EXCLUDED FROM THE TERM LIMIT CALCULATION

Tabled**Mover: Martinez****Seconder: Sosa****Vote: 4-0****Absent: Edmonson, Seijas**

Report: See Agenda Item 2A, Legislative File No. 100747, for the report.

2D

100721 Resolution Barbara J. Jordan

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT: EACH COUNTY COMMISSIONER SHALL NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD AN ANNUAL SALARY OF \$75,000; AND SHALL SERVE NO MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

Tabled
Mover: Martinez
Seconder: Sosa
Vote: 4-0
Absent: Edmonson, Seijas

Report: *See Agenda Item 2A, Legislative File No. 100747, for the report.*

2E

100749 Resolution Dennis C. Moss

RESOLUTION PROHIBITING INDIVIDUAL COUNTY COMMISSIONERS FROM APPEARING BEFORE ANY COUNTY BOARDS WHERE SUCH COUNTY BOARDS WILL BE CONSIDERING OR RECOMMENDING THE USE OR AWARD OF COUNTY FUNDS

Deferred to June 8, 2010
Mover: Diaz
Seconder: Sosa
Vote: 4-0
Absent: Edmonson, Seijas

Report: *During consideration of changes to the agenda, the foregoing resolution was deferred to the next Committee meeting, as requested by the Prime Sponsor, Chairman Moss.*

2F

101040 Resolution Barbara J. Jordan

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE REPORT RELATING TO STATUS OF LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE UNIVERSITY OF MIAMI FOR A DEVELOPMENT OF MEDICAL PRACTICE BUILDING AND HOSPITAL; AND ESTABLISHING COUNTY POLICY THAT NO COUNTY FUNDS SHALL BE GRANTED TO THE UNIVERSITY OF MIAMI PENDING RECEIPT OF SUCH REPORT

Deferred to June 8, 2010
Mover: Diaz
Seconder: Sosa
Vote: 4-0
Absent: Edmonson, Seijas

Report: *During consideration of changes to the agenda, the foregoing resolution was deferred to the next committee meeting, as requested by the Prime Sponsor, Commissioner Jordan.*

2G

101181 Resolution**Carlos A. Gimenez**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ELIMINATE THE OFFICE OF THE COUNTY MANAGER

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

Mover: Gimenez

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

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

Chairman Gimenez relinquished the Chair to Commissioner Diaz, and moved to forward this resolution to the County Commission with a favorable recommendation. The motion was seconded by Commissioner Sosa, followed by a discussion.

Commissioner Martinez noted he could support this resolution only if a strong mayor form of government was maintained, but could not support it if the County's government structure was changed to a hybrid type of government.

Chairman Gimenez noted a previous proposal was put forth to submit to voters a question of whether or not to reinstate the executive mayor form of government; and if that proposal was approved, he would withdraw this resolution at the BCC. He noted the County Manager should not be able to hire/fire under a strong mayor form of government and should serve at the will of the Mayor; otherwise, the position was redundant, and a vestige of the old system. Commissioner Gimenez noted by passage of the foregoing resolution, the County Manager would serve as the Deputy Mayor regardless of the title, and the Strong Mayor would organize the County's structure. He noted if the alternate proposal failed, this resolution could be tweaked to apply only if a strong mayor form of government was maintained.

Commissioner Diaz suggested this resolution be moved forward without a recommendation to allow the sponsor to withdraw it at any time.

Commissioner Sosa asked if the County Commission had taken a position on whether to eliminate the strong mayor and reinstate the old

executive mayor system, which she noted she did not support.

Assistant County Attorney Oren Rosenthal noted the Commission had not voted on that proposal yet.

Commissioner Sosa noted the public's vote approving a strong mayor form of government should be respected; however, she did not agree with the way the referendum for strong mayor government was written in the 2007 ballot because she felt two individuals should not head the County's government. She said keeping the County Manager's position intact confused County employees and citizens as to who was in charge; and having a strong mayor form of government meant a reorganization of structure and functions, starting at the top with the Mayor and everyone else falling under him regardless of the title given to the manager. She noted she sponsored a proposal that would provide definitions of all titles to clarify the referendum and give the public options to vote on what they wanted.

Commissioner Gimenez noted he felt the County Manager's position was a vestige of the old system, and unnecessary if the strong mayor system was maintained. He noted the function of the Manager was to serve under the direction of the Mayor, and assist the Mayor as directed; and the role of a county manager was incorrectly defined in the current County Charter. He noted Commissioner Jordan's proposal would be discussed on May 18th, and if it was approved, he would withdraw this proposal.

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

Later in the meeting, Chairman Gimenez asked staff to prepare the appropriate memorandum for waiving the Board's rules and procedures and allowing this resolution to be heard at the May 18, 2010 BCC meeting.

NOTE: Chairman Gimenez submitted a memorandum dated May 11, 2010, requesting the Board of County Commissioners (BCC) Chairman Moss to waive the Board's rules and procedures and allow this proposed resolution to be heard at the May 18, 2010 BCC meeting.

3 DEPARTMENTS

3A

100936 Resolution

RESOLUTION DECLARING SURPLUS COUNTY-OWNED *Amended*
PROPERTY LOCATED AT APPROXIMATELY WEST
DIXIE HIGHWAY AND GRIFFING BOULEVARD,
NORTH MIAMI, FL; AUTHORIZING THE PRIVATE SALE
OF SAID PROPERTY TO AN ADJACENT PROPERTY
OWNER OR VIA SEALED BID TO THE GENERAL
PUBLIC IN ACCORDANCE WITH FLORIDA STATUTES
125.35 FOR NO LESS THAN \$16,302.00; AUTHORIZING
THE WAIVER OF ADMINISTRATIVE ORDER 8-4 AS IT
RELATES TO THE REVIEW BY THE PLANNING
ADVISORY BOARD; AUTHORIZING THE COUNTY
MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE
ALL ACTIONS NECESSARY TO ACCOMPLISH THE
SALE OF SAID PROPERTY; AND AUTHORIZING
EXECUTION OF A COUNTY DEED FOR SUCH
PURPOSE (General Services Administration)

Report: *(See Agenda Item 3A Amended, Legislative File
No. 101288, for the amended version.)*

3A AMENDED

101288 Resolution

RESOLUTION DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT APPROXIMATELY WEST DIXIE HIGHWAY AND GRIFFING BOULEVARD, NORTH MIAMI, FL; AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY TO AN ADJACENT PROPERTY OWNER OR VIA SEALED BID TO THE GENERAL PUBLIC IN ACCORDANCE WITH FLORIDA STATUTES 125.35 FOR NO LESS THAN \$16,302.00; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO THE REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE [SEE ORIGINAL ITEM UNDER FILE NO. 100936] (General Services Administration)

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

Mover: Martinez

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

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

During consideration of the changes to today's agenda, a scrivener's error regarding a Florida Statute in paragraph two on handwritten page two was corrected to change "125.35 (1)" to "125.35 (2)."

Hearing no comments or questions, the Committee forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation, as amended.

3B

100999 Resolution

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND RECORD A RELEASE OF DEED RESTRICTIONS ON SIX (6) INFILL HOUSING LOTS LOCATED AT 1753 LUCY STREET, 963 NW 15 STREET, 1423 REDLAND ROAD, 904 NW 14 STREET, 1210 NW 6 AVE, AND 530 NW 15 STREET, FLORIDA CITY (General Services Administration)

Forwarded to BCC with a favorable recommendation

Mover: Martinez

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

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

Hearing no comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3C

101037 Resolution

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ESTABLISH A GRANT ASSISTANCE PROGRAM TO BE KNOWN AS "HOMEOWNER/TENANT WATER MAIN BREAK GRANT ASSISTANCE PROGRAM" TO ASSIST PERSONS IMPACTED BY THE MARCH 2, 2010 WATER MAIN BREAK IN HIALEAH; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO ALLOCATE TO THE GRANT PROGRAM AN AMOUNT NOT TO EXCEED \$200,000 FROM MIAMI-DADE WATER AND SEWER DEPARTMENT'S GENERAL RESERVE FUND; AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO NEGOTIATE, EXECUTE, AMEND, AND EXTEND ANY AGREEMENTS REQUIRED BY THE GRANT PROGRAM (General Services Administration)

Forwarded to BCC with a favorable recommendation

Mover: Martinez

Seconded: Diaz

Vote: 4-0

Absent: Edmonson, Seijas

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

Hearing no comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3D

101042 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE A 60-DAY EXTENSION OF TIME TO RECOMMEND FOR PURPOSES OF PUBLICATION ACCEPTANCE OR REJECTION OF THE UNSOLICITED PROPOSAL FOR A DESIGN/BUILD PROJECT OF AN ON-SITE CHLORINE GENERATION AND EMERGENCY GENERATOR SYSTEM AT THE JOHN E. PRESTON AND ALEXANDER ORR JR. WATER TREATMENT PLANTS (Water & Sewer Department)

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

Mover: Martinez

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Seijas

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution and related Discussion Item 1D1 into the record.*

Hearing no objections, Agenda Items 1D1 and 3D were heard simultaneously.

Chairman Gimenez asked for an explanation of why Water and Sewer Department (WASD) wanted its own chemical plant created; what the capital and operating costs of doing so would be; and whether implementing this proposal would be more expensive than using the current process.

Mr. John Renfrow, WASD Director, explained that chlorine was used to disinfect water, and WASD, like many other national utilities, currently brought in chlorine gas by rail for water treatment. He noted due to the volatile nature of chlorine gas, emphasis was placed on securing water treatment plants following the 911 incident. Mr. Renfrow noted a cost analysis revealed that WASD would save \$30 million over a 30 year period by generating chlorine onsite as proposed. He further noted that it revealed the initial capital cost to build one of these systems was approximately \$25 million; but the collateral benefits would be security, compliance with Federal laws regarding chlorine gas, and no need for storage since chlorine would be produced onsite and on demand.

In response to Chairman Gimenez' inquiry of whether alternatives to chlorine existed, such as bleach. Mr. Renfrow noted that sodium hypochlorite (bleach) could be used to treat water and was not as dangerous to transport as chlorine gas, but had operational and cost issues. He explained that it needed to be stored, but the longer it was stored, the less effective it became; and that transporting it was more expensive than

generating chlorine onsite.

In response to Commissioner Diaz' inquiry regarding whether generating chlorine onsite and changing the mix would address his concerns for safety and cost reduction, Mr. Renfrow replied this was correct.

In response to Commissioner Sosa's inquiry regarding whether WASD had requested an extension of time to review an unsolicited proposal, Mr. Renfrow noted Item 3D involved an unsolicited proposal, and noted an existing ordinance provided 90 days for reviewing and assessing unsolicited proposals. He noted the 90 day deadline for this proposal would soon be reached; and Item 3D would give WASD an additional 60 days to review it, since the technology was quite involved and complicated.

Commissioner Sosa asked what would ensure the quality and availability of chlorine to treat water in the event of a natural disaster. She also asked how this proposal compared with desalinization.

Mr. Renfrow noted the drinking water produced would be of the same quality as that produced today, regardless of a natural disaster. He also noted that desalinization was a process that removed salt from water, but the water would still need to be disinfected through the same process being discussed today. He noted desalinization may be considered in the future.

Responding further to Commissioner Sosa's inquiries regarding Item 3D, Mr. Renfrow noted a 60-day extension would allow staff time to assess and make the appropriate decision regarding whether the unsolicited proposal was worthy of consideration. He noted the unsolicited proposal, even if found to be acceptable, would still need to go through the County's open competitive process.

Commissioner Martinez noted when he was Chair of the Board of County Commissioners working with former WASD Director William (Bill) Brant, after seeing a demonstration on television of the dangers of chlorine gas, he inquired and found that salt pools could be used instead of chlorine gas; thus, he supported the foregoing proposal.

Responding to Chairman Gimenez' comment that he only wanted to know whether other substances or bleach could be used as an alternative to

chlorine and were they cheaper and safer, Mr. Renfrow noted bleach was safer, but in his opinion, it was not cheaper.

Hearing no further comments or questions, the Board proceeded to vote on the foregoing resolution in Item 3D, as presented.

Later in the meeting, Special Assistant to the County Manager Howard Piper requested the foregoing proposed resolution be waived to the May 18th BCC meeting for consideration.

NOTE: Chairman Gimenez submitted a memorandum dated May 11, 2010, requesting the Board of County Commissioners (BCC) Chairman Moss waive the Board's rules and procedures and allow this proposed resolution to be heard at the May 18, 2010 BCC meeting, as requested by Special Assistant to the County Manager Howard Piper.

4 COUNTY MANAGER

4A

101045 Resolution

RESOLUTION APPROVING THE MIAMI-DADE COUNTY IDENTITY THEFT PREVENTION PROGRAM IN ACCORDANCE WITH THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003 (County Manager)

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

Mover: Martinez

Seconder: Diaz

Vote: 4-0

Absent: Edmonson, Seijas

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

In response to Special Assistant to the Manager Howard Piper's request that the foregoing resolution be waived to the May 18th BCC meeting, Commissioner Martinez asked why consideration of this resolution was urgent.

Mr. Piper noted the County needed the program to be in place by a certain date; and, although this legislation was passed some time ago by the Federal Trade Commission (FTC), the FTC had some issues with making this model work, and extended the deadline for the County to comply to June of 2010. He noted the County got started on the program last December and just recently complied with meeting all of the requirements.

Responding to Commissioner Martinez' inquiry of why compliance took so long, Mr. Piper noted he just got involved with this item last January.

Commissioner Sosa noted her concerns were: the fiscal annual recurring costs of \$4,140 and \$8,100 needed to be clarified, and the fiscal cost of supporting the program administrator was not indicated in this item. Responding to her question regarding when the Federal's Fair and Accurate Credit Transaction (FACT) Act was implemented, Mr. Piper noted the FACT Act was implemented in November 2003.

In response to Commissioner Sosa's question regarding how many years the County had waited for this legislation, Mr. Piper noted the FTC enacted a law in 2007 requiring financial institutions and creditors to develop/implement identity theft prevention programs under the FACT Act, but the FTC had a lot of problems with it.

Commissioner Sosa noted she would not restrain

an item requiring compliance with a Federal deadline; however, she was concerned with proposals being submitted at the last minute. She noted she would not continue supporting last minute proposals that implicated fiscal impacts, without enough time given to consider them or provide disclosure to the community.

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

NOTE: Chairman Gimenez submitted a memorandum dated May 11, 2010, requesting the Board of County Commissioners (BCC) Chairman Moss to waive the Board's rules and procedures and allow this proposed resolution to be heard at the May 18, 2010 BCC meeting, as requested by Special Assistant to the County Manager Howard Piper.

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

101104 Report

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE APRIL 13, 2010 GOVERNMENT OPERATIONS COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Sosa
Seconded: Diaz
Vote: 4-0
Absent: Edmonson, Seijas

7 REPORT

7A

101173 Report

DEPARTMENTAL BUDGET PRESENTATIONS (County Manager)

Deferred to next committee meeting

8 ADJOURNMENT

Report: *There being no further business to come before the Government Operations Committee, the meeting was adjourned at 12:10 p.m.*