



MEMORANDUM
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GO
Agenda Item No. 6(A)

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

DATE: July 13, 2010

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

Diane Collins

SUBJECT: Approval of Commission
Committee Minutes

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

June 08, 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, June 8, 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: *Jill Thornton, Commission Reporter
(305) 375-2505*

1A INVOCATION

Report: *The Committee convened in a Moment of Silence,
followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C **ROLL CALL**

Report: *The following staff members were present: Special Assistant to the County Manager Howard Piper; Assistant County Attorneys Daniel Frastai, Oren Rosenthal and Debra Herman; Office of Strategic Business Management Director Jennifer Glazer-Moon; and Deputy Clerks Doris Dickens and Jill Thornton.*

Commissioner Jordan was also present.

Chairman Gimenez called the meeting to order at 9:58 a.m.

Assistant County Attorney Frastai noted the following changes to today's agenda: Agenda Items 1E9 and 2C were withdrawn, as requested by the County Manager, and Agenda Item 2G was reprinted to include handwritten page 5, which was inadvertently omitted.

It was moved by Commissioner Diaz that the June 08, 2010 Governmental Operations Committee agenda be approved, with the changes listed in the County Manager's Memorandum of Changes and those requested by Assistant County Attorney Frastai. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 5-0 (Commissioner Martinez was absent).

1D **DISCUSSION ITEM**

1E **PUBLIC HEARINGS**

1E1

100914 Ordinance**Dennis C. Moss**

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

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Secunder: Edmonson

Vote: 5-0

Absent: Martinez

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

Chairman Gimenez opened the public hearing on the foregoing ordinance; however, he closed it after no one appeared wishing to be heard in connection with this ordinance.

Commissioner Seijas asked Assistant to the County Manager Howard Piper to submit to her, before this ordinance was forwarded to the County Commission, a report on the findings and recommendations of the former Efficiency and Competition Commission (ECC) as well as the intent and the charge of that Commission.

Commissioner Sosa noted the Performance and Efficiency Commission (PEC) was created by this ordinance, and that Chairman Moss appointed her as Chair and Commissioners Rolle and Souto as members of the PEC. She noted the first organizational meeting of the PEC was held last week, and she preferred not to see the information requested by Commissioner Seijas now to avoid being influenced by it; that she would rather review that information at the end of the process. Commissioner Sosa noted it was important for the PEC members to analyze performance and identify efficiencies based on the County's current form of government and to explore new information and ideas from union representatives, university scholars, etc. She said she would review the report after the PEC completed its analysis and then compare the findings/recommendations of the PEC with those of the former ECC.

Commissioner Seijas noted although she supported this ordinance and respected Commissioner Sosa's efforts in support of the PEC, she would still like to receive the findings

and recommendations of the former ECC.

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

1E2

101030 Ordinance**Rebeca Sosa**

ORDINANCE PERTAINING TO REGULATION OF ADVERTISEMENTS; AMENDING SECTION 8A-110 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE A WARNING BEFORE IMPOSITION OF A FINE; AMENDING SECTION 8CC OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO CHANGE THE FINES FOR VIOLATION OF SECTION 8A-110; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn**Mover: Sosa****Seconder: Gimenez****Vote: 6-0**

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

Chairman Gimenez opened the public hearing on the foregoing ordinance; however, he closed it after no one appeared wishing to be heard in connection with this ordinance.

It was moved by Commissioner Sosa to forward this resolution to the County Commission with a favorable recommendation. This motion was seconded by Chairman Gimenez, followed by a discussion.

In response to Commissioner Sosa's request that the Director of Consumer Services Department (CSD) state the proposed amendment(s) to this ordinance for the record, Ms. Cathy Grimes Peel noted she submitted a second amendment to add the following language to the end of subsection F: "or where the offending advertisement is published in a medium that is issued at regularly reoccurring intervals, including, but not limited to newspapers, periodicals, television, radio and the internet, or where the offending advertisement involves a consumer complaint."

After accepting the amendment, Commissioner Sosa noted this ordinance would require businesses to place their disclaimers at the tops of advertisement flyers (ads), next to the asterisk near the advertised price; and that a one-time warning would be given to businesses that did not comply. She explained that many small businesses were being cited for placing disclaimers in the wrong location in their ads, and a one-time warning issued for this violation would help to educate them about the placement requirement.

Commissioner Diaz stated although he understood the intent of this ordinance, it would reduce

penalties, which he felt would not only open a Pandora's Box, but would be more harmful than helpful. He said he felt a reduction in the penalties could be perceived negatively, and would reduce the County's revenues; thus, he could not support this ordinance as written.

Commissioner Sosa pointed out the proposed amendment was applicable to Section 8A-110 of the County Code, regarding misleading advertisement for purchase price or character, specifically the position/location of a disclaimer in the advertisement flyer. She explained that it was inapplicable to the section regarding advertisement of construction, building services, and materials.

Ms. Peel advised that Section 8A-110(a) of the Code dealt with failure to properly advertise the complete purchase price; and Section 8A-110(d) required that disclosure of a contingency, condition or limitation on an offer be conspicuously located near the advertised complete purchase price.

Commissioner Martinez noted although he understood Commissioner Sosa's intent, he too could not support this proposal because he felt it would result in unintended consequences. He expressed concern, specifically, with a warning given for the first offense and a reduction of the civil penalties under Sections 8A-110(a) through (d) of the Code, which were broad.

Commissioner Edmonson noted she also understood the intent; however, she was concerned that by reducing the fines from \$500 to \$250, the number of violations would only increase. She said she could not support this proposal.

Commissioner Sosa noted that based on the concerns raised by Committee members that the proposal to reduce fines would have a fiscal impact on the County, she would withdraw this ordinance. She also noted she would work with the County Attorney's Office to prepare another ordinance specific to where a disclaimer should appear in future advertisements. The primary goal, Commissioner Sosa clarified, was to help small businesses avoid citations for disclaimers that appear improperly (in the wrong place) on advertisements, particularly in joint advertisements with other businesses.

Commissioner Seijas said she supported giving a one-time warning to first offenders to help educate the small businesses, but did not think the fines should be reduced. She suggested the new ordinance to be created include a provision requiring that the name, address, and phone number of the individual(s) responsible for producing the ad, be identified in the ad.

Hearing no further comments or questions, the foregoing proposed ordinance was withdrawn by Commissioner Sosa.

1E3

101224 Ordinance**Bruno A. Barreiro**

ORDINANCE RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING SECTION 2-341 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING COUNTY POLICY THAT FOR PROSPECTIVE FISCAL YEARS RETAIL WATER AND WASTEWATER RATES SHALL BE ADJUSTED BASED ON CONSUMER PRICE INDEX; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

*Deferred to no date certain**Mover: Seijas**Secunder: Sosa**Vote: 6-0*

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

Chairman Gimenez opened the public hearing on the foregoing ordinance. He closed it after no one appeared wishing to be heard in connection with this ordinance.

It was moved by Commissioner Seijas that this ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Martinez, followed by a discussion.

Commissioner Edmonson noted she understood the need for a better mechanism to adjust water rates, but her concern was the impact on resident's water bills, by using the Consumer Price Index (CPI) to adjust rates. She asked staff to calculate a current water bill with rates adjusted, using the CPI over the past four years.

Mr. John Renfrow, Water and Sewer Department (WASD) Director, explained that the CPI varied annually. He noted the foregoing ordinance, as written, would adjust rates based on the previous year's CPI, which was reported as 7% last year by the Department of Labor.

Commissioner Edmonson expressed concern that next year's CPI, if increased by 6%, could cause water bills to quadruple.

Mr. Renfrow noted the maintenance index was a measure of costs to run utilities nationwide that was reported by the Department of Labor, and varied from year-to-year. He also noted this index had been used by the County as a basis for considering water rate adjustments over the past four years. In addition, he noted any rate increase

would be subject to approval by the County Commission during its budget process, and could be decreased as well.

Ms. Jennifer Glazer-Moon, Director, OSBM, explained that for several years, the County considered the utilities maintenance index as a measure for adjusting rates, but the adjustments made were not necessarily tied to this CPI because adjustments were needed to fund WASD's capital needs and debt service. She also explained that the utilities maintenance index was solely tied to petroleum-based products with costs that had increased substantially, and was different from the average CPI tied to a basket of average items. She noted the County already made comparisons to the utilities maintenance index when adjusting rates, but the adjustments made were less than anticipated because of the adopted Consumptive Use Agreement. She said she would provide more details about this and come forth with independent recommendations. Additionally, Ms. Glazer-Moon noted a policy was in place to adjust Department of Solid Waste Management's (DSWM) disposal rates using a CPI measure, and if the foregoing proposal was codified, the County Commission would still be responsible for adopting the rate adjustments as part of the County's annual budget processes.

Commissioner Martinez pointed out that DSWM's disposable rates were not adjusted during the election years and needed to be subsidized; but since its disposable rates were now tied to the CPI, DSWM had no further issues. He asked why the CPI was 7% when, recently, he was advised that it had gone down last year.

Ms. Glazer-Moon agreed that DSWM's disposal rates had decreased last year; however, she noted the CPI used by DSWM was different than the maintenance index used by WASD, which was tied specifically to materials needed for WASD's operations. She noted many different CPIs existed, and the maintenance index was mostly tied to chemical or petroleum-based products with costs that have increased substantially.

Commissioner Martinez noted this ordinance seemed misleading, and he would not support it if the rate adjustments were tied to the utility maintenance index.

Chairman Gimenez concurred. He noted the maintenance index was an unrealistic index for

making rate adjustments, thus he could not support this ordinance. He said he could support a CPI tied to a basket of average items, and adjusting rates if based on increased costs of materials used by WASD.

Commissioner Sosa noted that no market could truly determine the utilities maintenance CPI, and if this ordinance was adopted, water rates would increase continually; thus, she could not support it.

Mr. Renfrow indicated that he understood the utilities maintenance index was based on the average cost of USA Cities' water and sewage maintenance and chemicals.

Commissioner Seijas withdrew her previous motion, and made a motion to defer this ordinance to allow Commissioner Barreiro, sponsor of the ordinance, to address the stated concerns.

Commissioner Sosa seconded the motion.

Chairman Gimenez asked the County Attorney to ensure the intent and purpose of future agenda items were clearly stated in the title and cover pages of the respective Agenda Item(s).

Hearing no further comments or questions, the Committee proceeded to vote on a motion to defer the foregoing ordinance.

1E4

101203 Resolution

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30201 FROM TOP SHUTTLE, INC. TO TOP SHUTTLE SERVICE, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconded: Martinez

Vote: 5-1

No: Sosa

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

Chairman Gimenez opened the public hearing on the foregoing resolution; however, he closed it after no one appeared wishing to be heard in connection with this resolution.

Commissioner Diaz asked how the citation issued to Top Shuttle Service Incorporated for operating an unsafe vehicle was determined.

Ms. Cathy Grimes Peel, Consumer Services Department (CSD) Director, explained that a vehicle in operation could be taken out of service if it needed repairs or re-inspections. She noted that CSD inspects vehicles in two ways: 1) by a routine inspection, in which a vehicle is brought into the inspection station; or 2) by spot checks. She noted an inspection was routinely scheduled based on the age of a vehicle, and a vehicle four years or older would be inspected four times a year.

Commissioner Sosa expressed concern with the principle of this company having an enforcement history over the past five years, and particularly with its violation for operating an unsafe vehicle. She asked if CSD followed up to ensure vehicles were operating safely. She also asked if CSD treated companies that abide by the rules the same way it treats companies that repeatedly violate and receive citations.

Ms. Peels noted the applicant would have to resolve the problem in order to put the vehicle back in service. She also noted that nothing in the Code would prevent a company from qualifying for a certificate of transportation, as long as the issue was corrected and cleared. Ms. Peels pointed out that although this company did not have a pristine record over the past five years, it was not that terrible.

Commissioner Sosa noted the County should review its standards to set some rules that differentiate between companies which abide by the rules and those which continually violate them and receive citations, especially for operating an unsafe vehicle.

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

1E5

101267 Resolution

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO SEEUSATOURS SOUTH, INC. TO PROVIDE CONTRACT CARRIER SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

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

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

Chairman Gimenez opened the public hearing on the foregoing resolution; however, he closed it after no one appeared wishing to be heard in connection with this resolution.

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

1E6

101268 Resolution

RESOLUTION APPROVING APPLICATION FOR FIVE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO GOA MEDICAL TRANSPORTATION, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Consumer Services Department)

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

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

Chairman Gimenez opened the public hearing on the foregoing resolution; however, he closed it after no one appeared wishing to be heard in connection with this resolution.

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

1E7

101305 Resolution

RESOLUTION APPROVING APPLICATION FOR TWO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO SCOTT & MITCH ENTERPRISE, LLC D/B/A AMERICA NON-EMERGENCY MEDICAL TRANSPORTATION TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Consumer Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 6-0

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

Chairman Gimenez opened the public hearing on the foregoing resolution; however, he closed it after no one appeared wishing to be heard in connection with this resolution.

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

1E8

101307 Resolution

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30009 FROM ALPHE WILLINGHAM D/B/A LIBERTY CITY JITNEY TO RIGAUD ALEXANDER D/B/A LIBERTY CITY JITNEY TO PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 6-0

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

Chairman Gimenez opened the public hearing on the foregoing resolution; however, he closed it after no one appeared wishing to be heard in connection with this resolution.

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

1E9

100945 Ordinance

ORDINANCE AMENDING THE CODE OF MIAMI-DADE COUNTY SECTIONS 15-1, 15-2, 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.6, 15-2.7, 15-2.9, 15-3, 15-5, 15-5.2, 15-6, 15-7, 15-8, 15-12, 15-13, 15-14, 15-15, 15-16, 15-17, 15-17.1, 15-17.2, 15-17.3, 15-17.4, 15-17.5, 15-17.6, 15-17.7, 15-17.8, 15-17.9, 15-17.11, 15-17.13, 15-17.14, 15-17.17, 15-17.18, 15-18, 15-24, 15-25, 15-25.3, 15-28, 15-29, 15-30, 15-31, 15-32, 15-32.1 AND 15-33 OF THE CODE OF MIAMI –DADE COUNTY, FLORIDA TO PROVIDE FOR AUTOMATED GARBAGE COLLECTION, BULKY WASTE PICKUP, RECYCLING PROGRAMS, ENFORCEMENT, SOLID WASTE DISPOSAL FEES, TRASH AND RECYCLING CENTERS, PERMITTING; AND AMENDING SECTION 8-CC-10 RELATING TO SCHEDULE OF CIVIL PENALTIES (Solid Waste Management Department)

Withdrawn**Mover: Diaz****Seconder: Sosa****Vote: 5-0****Absent: Martinez**

Report: *During consideration of the changes to today's agenda, the foregoing proposed ordinance was withdrawn, as requested by the County Manager.*

2 COUNTY COMMISSION

2A

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

Withdrawn

Report: *(See Agenda Item 2A Substitute; Legislative File No. 101241)*

2A SUB.

101241 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 [SEE ORIGINAL ITEM UNDER FILE NO. 101040]

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Sejias

Vote: 5-0

Absent: Diaz

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

It was moved by Commissioner Edmonson that this resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Sejias, followed by discussion.

Commissioner Jordan explained that this resolution directed the County Manager to bring back a rationalization plan that ensures any structure developed for the University of Miami (UM) on this property would not compete in any way with the operations of Jackson Memorial Hospital (JMH).

Juan Carlos (JC) Del Valle, Director, Office of Government Affairs, University of Miami (UM), noted his office met with Commissioner Jordan, and agreed to present a plan that was not competitive with any of the Public Health Trust or JMH's operations.

Commissioner Sosa asked for clarification regarding whether the original item withheld County funds from UM and the foregoing item allowed UM to receive County funds.

Commissioner Jordan explained that language was removed from the original item that would have prevented UM from processing certain applications involving County funds, which was not her intention. She also noted that any funding request would have to come before the County Commission for approval.

In response to Commissioner Sosa's inquiry regarding whether the lease contract contained any provisions for imposing penalties should construction not commence, Assistant County Attorney Jeffrey Poppel noted the contract did not contain an exact termination provision for failure

to construct, but the lease contained certain triggers to protect the hospital. He noted the parties negotiated to commence the lease in part as a penalty for failure to construct; and JMH and UM were negotiating the adoption of a campus rationalization plan to ensure the use of this land would not compete with JMH.

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

2B

101339 Resolution**Joe A. Martinez***Amended*

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PERMIT GREATER COMMUNICATIONS BETWEEN COMMISSIONERS AND ADMINISTRATIVE SERVICES

Report: *(See Agenda Item 2B Amended; Legislative File No. 101540 for the amended version)*

2B AMENDED

101540 Resolution

Joe A. Martinez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PERMIT GREATER COMMUNICATIONS BETWEEN COMMISSIONERS AND ADMINISTRATIVE SERVICES (SEE ORIGINAL ITEM UNDER FILE NO. 101339)

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

Mover: Martinez

Secunder: Edmonson

Vote: 5-1

No: Gimenez

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

It was moved by Commissioner Martinez that this resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Edmonson, followed by discussion.

Commissioner Martinez noted that with voter approval of handwritten page 7's proposed amendment to the County's Home Rule Charter (Charter), Commissioners would not have to deal with administrative services solely through the County Mayor; which meant a commissioner could go directly to a department director. He added that this amendment concerned the transmitting of constituent inquiries.

Referencing handwritten page 4's ballot question, by which voters would vote for or against the proposed Charter change, Commissioner Seijas expressed concern that this language did not include Commissioner Martinez' comment that commissioners could have direct communication with the directors (administrative services) for the purpose of transmitting constituent inquiries.

In response to Commissioner Seijas reiterating her concern, Assistant County Attorney Oren Rosenthal provided some clarification by reading the ballot question, which began with "Shall the Charter be amended to permit greater communications between commissioners and administrative services." He provided further clarification by noting that under the current Charter, commissioners had the power to transmit constituent inquiries, and this provision would not be changed; however, he explained that with the Charter change, commissioners would also have

the power to communicate with the administrative services to assist commissioners in the exercise of their powers.

Commissioner Seijas pointed out she wanted the ballot question to be clear; and felt it was incomplete in its form outlined on page 4.

Assistant County Attorney Rosenthal noted that language could be added to the proposed ballot question to state that the greater communications would include not only constituent inquiries, but also allow commissioners to communicate with the administrative services to assist in the effectuation of the commissioners' powers under the charter.

Commissioner Seijas offered Mr. Rosenthal's suggestion as a friendly amendment.

Commissioner Sosa offered an amendment to add the language "in order to respond to constituent concerns faster and effectively."

Assistant County Attorney Rosenthal expressed concern that the language offered by Commissioner Sosa would not accomplish the intent to effectuate the commissioner's powers under the charter, and could be challenged.

Commissioner Gimenez said he felt the commissioners had sufficient ability to communicate directly with directors on constituent inquiries; that he did not believe it was necessary to increase the scope of allowable communication.

Commissioner Martinez noted a constituency inquiry was different from a request, and provided an example. He said he believed the amendment offered by Commissioner Seijas would enable commissioners to better serve their constituency.

Chairman Gimenez noted he could not support this resolution because he felt it would create havoc for directors trying to decide which communication to address first. He said he felt a better system would be a unity of command and to channel all non-constituent requests through one person. Commissioner Gimenez asked Assistant County Attorney Rosenthal for a legal opinion regarding whether Article 1, Section 1.01.A.20 of the Charter allowed an individual commissioner to request a public record(s) from a department without having to go through the administration.

Assistant County Attorney Rosenthal noted he believed that Article 1, Section 1.01.A.20 of the Charter applied to the Commission as a whole, and did not give an individual commissioner subpoena powers. He noted he would have to review the public records laws to be certain.

Commissioner Martinez' question whether the laws concerning public records requests under Chapter 119, which governs the Miami-Dade County School Board, were applicable to the County Commissioners as well, to which Assistant County Attorney Rosenthal said "Yes."

Commissioner Martinez pointed out that based on the case law in 'Marta Perez versus the Miami-Dade County School Board,' Commissioners were not even permitted to request public records from the administration.

Commissioner Gimenez noted as he understood it, the County Attorney issued an opinion to the Administration stating that public records requests did not have to go through a vetting process. He noted he would like a legal opinion on this issue.

Commissioner Diaz noted although he understood Commissioner Gimenez' concern regarding directors having to decide which requests to respond to first, he did not see an issue since member of the Administration had maintained a relaxed policy on communicating with commissioners. He noted he felt the amendment offered by Commissioner Seijas would be sufficient.

Hearing no further questions or comments, the Committee forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation, with committee amendment(s) to replace the ballot language on page 4 with the following: "Shall the Charter be amended to allow the County Commissioners to communicate with and ask questions of the County Administrative Services to assist with the performance of their duties as county commissioners by removing the Charter requirement that commissioners shall deal with the administrative service solely through the County Mayor or his or her designee?"

2C

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

*Withdrawn**Mover: Diaz**Seconder: Sosa**Vote: 5-0**Absent: Martinez*

Report: *During consideration of the changes to today's agenda, the foregoing proposed resolution was withdrawn, as requested by the County Manager.*

2D

100516 Resolution**Sen. Javier D. Souto**

RESOLUTION AMENDING RESOLUTION NO. R-1164-04 RELATING TO WATER AND SEWER BILLING; REQUIRING THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO ISSUE A ONE-TIME LIFETIME BILLING ADJUSTMENT WHEN THE WATER CONSUMPTION RATE FOR A SINGLE-FAMILY RESIDENTIAL CUSTOMER EXCEEDS SIX (6) TIMES THE AVERAGE QUARTERLY CONSUMPTION BASED ON THE PAST YEAR'S CONSUMPTION REGARDLESS OF WHETHER OR NOT THE PROPERTY HAS A CONCEALED LEAK [SEE AGENDA ITEM NO. 7B]

Motion dies due to lack of second

Report: *Assistant County Attorney Daniel Frastai read the foregoing proposed resolution and a related report (Agenda Item 7B) into the record.*

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

The motion died due to a lack of a second, and the committee proceeded to consider the next agenda item.

Commissioner Diaz requested this resolution be reconsidered so that he could state his concerns for the record.

Responding to Chairman Gimenez' call for a ruling on Commissioner Diaz' request for reconsideration, Assistant County Attorney Frastai explained that a reconsideration was not in order because the Committee did not act on this proposed resolution; and that the item would automatically appear on the next Committee agenda in August 2010.

2E

101343 Resolution**Bruno A. Barreiro**

RESOLUTION RESCINDING RESOLUTION NO. R-200-10 THAT AUTHORIZED THE EXECUTION OF AMENDMENTS TO THE LEASE AGREEMENT AND THE CONCESSION AND LICENSE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI PARKING AUTHORITY

Forwarded to BCC with a favorable recommendation

Mover: Seijas

Seconded: Sosa

Vote: 4-0

Absent: Edmonson, Diaz

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

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

Commissioner Martinez asked why this resolution proposed to rescind the lease agreement between Miami-Dade County (MDC) and the Miami Parking Authority (MPA), and whether this resolution was sponsored by the Administration.

Assistant County Attorney Debra Herman explained that the original resolution authorized the execution of amendments to the lease agreement between MDC and the MPA. She noted the original resolution's sponsor, Commissioner Barreiro, asked that the original resolution be rescinded because the two parties were unable to come to terms on a proposed amendment to the lease agreement, and he did not want the agreement to remain outstanding.

Assistant to the County Manager Howard Piper noted he did not take a position on the foregoing resolution because he thought it was a Commission-sponsored item.

Commissioner Martinez asked that he be provided with a copy of the original resolution (Resolution #R-200-10), sponsored by Commissioner Barreiro.

Commissioner Sosa asked staff to clarify whether the original resolution facilitated any lease, concession, and license agreements to allow a flea market to be operated on the subject property on weekends; and whether the foregoing resolution, if adopted, would prohibit the owner from renting space for operating a flea market there.

Assistant County Attorney Debra Herman noted this was correct.

Ms. Wendi Norris, Director, General Services Administration (GSA), explained that the original resolution allowed the City of Miami, through the MPA, to hold a flea market on lots owned by the County and rented to the City under a long-term lease. She also noted the resolution directed GSA to negotiate a lease agreement with the MPA, but the parties were unable to finalize an agreement. She clarified that a flea market had not yet been allowed on this property because an agreement had not been executed.

In response to Commissioner Sosa's question regarding what exactly was pursued in the negotiations between GSA and MPA, Ms. Norris noted GSA tried to lay out clear terms for the MPA to select a vendor through a competitive process to conduct a flea market on this property.

Commissioner Sosa asked if the MPA had paid the County for use of this property, and how long the original lease was.

Ms. Norris noted MPA currently pays the County a percentage of the revenues it makes under the lease, which authorizes the MPA to use the land for parking only, but MPA had not made any additional payments for the purpose described in the original resolution. She noted the lease was over twenty (20) years old. Ms. Norris also noted the foregoing resolution rescinds the direction to GSA to negotiate an agreement with the MPA to use these lots to operate a flea market on the weekends.

In response to Chairman Gimenez' inquiry regarding whether the issue with the terms of the agreement was between the flea market vendor and the MPA or between MDC and the MPA, Ms. Norris noted the issue was between MDC and the MPA.

Commissioner Gimenez noted he believed this resolution was unnecessary since a flea market currently did not exist on this property.

Commissioner Martinez noted he supported this resolution because he felt that Commissioner Barreiro knew his district best and that he had good reasons for making this request.

Hearing no further comments or questions, the

Committee proceeded to vote on the foregoing proposed resolution as proposed.

2F

101396 Resolution Dennis C. Moss

RESOLUTION DECLARING THREE COMPUTERS SURPLUS AND AUTHORIZING THEIR DONATION TO UNIQUE COALITION OF MINORITY BUSINESSES OF SOUTH DADE, INC.

*Forwarded to BCC with a favorable recommendation
Mover: Seijas
Secunder: Sosa
Vote: 4-0
Absent: Edmonson, Diaz*

Report: *Assistant County Attorney Daniel Frastai 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.

2G

101320 Resolution Joe A. Martinez

RESOLUTION DECLARING ONE 1997 DODGE VAN SURPLUS AND AUTHORIZING ITS DONATION TO THE ROXY THEATER GROUP, INC.

*Forwarded to BCC with a favorable recommendation
Mover: Seijas
Secunder: Sosa
Vote: 4-0
Absent: Edmonson, Diaz*

Report: *Assistant County Attorney Daniel Frastai 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.

2H

101319 Resolution Carlos A. Gimenez

RESOLUTION DECLARING ONE 1994 DODGE VAN SURPLUS AND AUTHORIZING ITS DONATION TO THEODORE ROOSEVELT GIBSON MEMORIAL FUND, INC.

*Forwarded to BCC with a favorable recommendation
Mover: Seijas
Secunder: Sosa
Vote: 4-0
Absent: Edmonson, Diaz*

Report: *Assistant County Attorney Daniel Frastai 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.

3 DEPARTMENT

3A

101312 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A FOURTH AMENDMENT TO LEASE AGREEMENT AT 19500 QUAIL ROOST DRIVE, MIAMI, WITH THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES FOR COUNTY-OWNED PROPERTY LOCATED AT 19500 QUAIL ROOST DRIVE, MIAMI; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration)

Forwarded to BCC with a favorable recommendation
Mover: Seijas
Seconder: Martinez
Vote: 4-0
Absent: Edmonson, Diaz

Report: *Assistant County Attorney Daniel Frastai 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.

3B

101323 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LIMITED MOTOR VEHICLE PARKING LICENSE AGREEMENT AT 105 NW 5 STREET, MIAMI, WITH THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, FOR ONE HUNDRED PARKING SPACES BEING UTILIZED BY MIAMI-DADE COUNTY GENERAL SERVICES ADMINISTRATION, WITH TOTAL FISCAL IMPACT TO MIAMI-DADE COUNTY NOT TO EXCEED \$13,180 FOR THE FIRST YEAR OF THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration)

Deferred to no date certain

Mover: Seijas

Second: Martinez

Vote: 5-0

Absent: Sosa

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

Commissioner Seijas asked for an explanation of the agreement contained in this resolution.

Ms. Wendi Norris, General Services Administration (GSA) Director, explained that the agreement allows for 100 County vehicles to be moved from the Hickman Parking Garage so that this garage could accommodate current monthly parkers who would be displaced once construction began on the West and North parking lots. She noted a new Children's Courthouse would be built on the North parking lot, and a new garage and Tax Collector's Office would be built on the West parking lot.

In response to an inquiry by Commissioner Seijas regarding why a new office was being built for the Tax Collector, Ms. Norris explained that the original plan was to move the Tax Collector's Office into the 2nd tower of the Overtown Transit Village (OTV), and to move the State Attorney's Office and Child Support Enforcement Division into the 140 W. Flagler building; however, new plans were developed which envision vacating the 140 W. Flagler Building, and housing the State Attorney's Office in the 2nd tower of the OTV.

Commissioner Seijas said she thought that offices were being built in the new Children's Courthouse to accommodate the State Attorney's Office, and the Child's Support Enforcement Division.

Ms. Norris noted the Child's Support Enforcement

Division was currently housed in an office under a private lease on Biscayne Boulevard, and separate from the State Attorney's Office, to be housed in the Children's Courthouse. She clarified the original plan was to renovate the 140 W. Flagler Building, but based on engineering studies, GSA determined it was much more expensive than anticipated to renovate it. She also noted the Commission previously approved adding floors to the 2nd tower of the OTV to house the State Attorneys Office, the Public Defenders Office and the Guardian Ad Litem Program, since there was insufficient space to house them in the proposed Children's Courthouse; however, the Board subsequently approved building additional floors in the new Children's Courthouse to accommodate those functions.

Responding to Commissioner Seijas' inquiry regarding the need to move the Tax Collector's Office out of the 140 W. Flagler Building, Ms. Norris noted the 140 Building would be closed next year, and construction of the proposed projects was due to begin in the next few months.

In response to Commissioner Seijas' question regarding what would become of the 140 Building once it was closed; Ms. Norris noted it would be sold when the market was more favorable.

Commissioner Seijas expressed concern with building a new Tax Collectors Office, and felt it should remain in the 140 Building for now. She asked how this proposal was being funded.

Ms. Norris noted the Tax Collector did not request a new office, but the new Tax Collector's Office was part of an overall capital project, partially funded by the General Obligation Bond (GOB). She noted she would have to report to Commissioner Seijas later regarding the other funding sources. Ms. Norris explained the proposed new parking garage was the primary project needed to replace lost parking from the former courthouse and the West parking lot. She noted she could meet with Commissioner Seijas to explain the plan, which includes the new Tax Collectors office, more thoroughly.

Following Commissioner Seijas' comment that she did not see the need to build out the Tax Collectors Office now, and Commissioner Seijas' request that this resolution be deferred pending additional information, Ms. Norris asked the Committee to consider moving this resolution forward and to

allow her to meet with Commissioner Seijas before this resolution was considered by the County Commission, which would allow her to begin moving County vehicles out of the Hickman garage to accommodate those currently parking in the North and West parking lots and allow construction to begin.

Commissioner Sosa noted she did not support this resolution, but would encourage GSA to evaluate all current leases and available land that could accommodate parking without the County incurring additional costs. She also noted she would not continue supporting the County leasing land to other agencies for \$1 per year, when this type of agreement was not reciprocated to the County. She noted the County needed to consolidate departments, not expand them, in order to reduce its budget.

Commissioner Martinez asked if this resolution only accommodated county vehicles with county tags that currently park in the Hickman Garage, and what arrangements were being made to accommodate non-county vehicles that had been parking in the North and West parking lots. Commissioner Martinez noted he wanted to ensure that specific parking spaces reserved in the North parking lot for non-county vehicles were also reserved in the Hickman Garage.

Commissioner Diaz asked for clarification regarding whether an equal amount of parking spaces were being traded from the Hickman garage to the State facility, and how many parking spaces would GSA lose from the North and West parking lots.

Ms. Norris noted this resolution would allow GSA to move 100 County vehicles that currently park in the Hickman garage at NE 2nd Ave/2nd Street to a State parking garage, and free up space in the Hickman garage to accommodate monthly parkers that currently park in the North and West parking lots. She also noted GSA would gain 100 parking spaces in the State garage, and ultimately lose 503 spaces in the North and West parking lots during construction; but the new parking garage to be built on the West parking lot would provide 810 parking spaces.

In response to Commissioner Diaz' question regarding how long the transition would take, Ms. Norris said approximately 18 months. She noted her primary goal was to accommodate those

monthly parkers that would be displaced from the West parking lot during construction. She also noted that many of the parking spaces on those lots were filled with transient parkers, and not all of the spaces were filled on a daily basis.

Commissioner Diaz noted he was supportive of the proposal to build a new parking garage, but had concerns with the displacement of the remaining 403 individuals that currently park in the North and West parking lots once construction began, and noted he would like more information to address his concerns.

Ms. Norris noted GSA would be able to accommodate all of the employees with monthly parking passes that currently park on these lots. Ms. Norris clarified that in order to replace parking that would be lost to the old court house and the West parking lot, a new parking garage, which included the Tax Collector's office, would be built on the West parking lot.

Commissioner Seijas said she felt the proposed Children's Courthouse should be dealt with first and separately from the proposed new parking garage. She noted she would support this resolution if the 45,000 square feet of office space for the Tax Collectors' Office was separated from this proposal; otherwise, she would make a motion to defer this resolution. Commissioner Martinez seconded the motion to defer.

In response to Commissioner Diaz' question regarding whether this was a time-sensitive item, Ms. Norris noted only to the extent that she could start moving County vehicles out of the Hickman garage and move vehicles from the West lot into the garage so that construction could begin. She respectfully requested that if the Committee deferred this item, it be deferred to the next committee meeting, and Chairman Gimenez waive the item to the 2nd BCC meeting in July.

Chairman Gimenez asked Ms. Norris to provide him with the plans for the new garage to be constructed on the west parking lot, specifically the 45,000 square foot plan proposed for the Tax Collector's Office. He also asked Ms. Norris to provide him with a breakdown on the number of vehicles and employees in GSA's inventory, and the number of employees housed in the Stephen P. Clark Center in the last four years, broken down by year.

Commissioner Diaz asked Ms. Norris to submit the building plans to this committee before the next committee meeting; along with a report on the status of the Integrated Command facility (formerly known as the Lightspeed Building), and the unfinished warehouse attached to it, specifically what entity was housed in that complex.

Ms. Norris noted, currently, the police department occupied the second floor of this building and 911 Communications was in the process of moving its office there, but she would provide this Committee with the details. She also noted the police department had moved out of a private lease space for a cost savings. Ms. Norris noted GSA completed a thorough analysis of its inventory, and through reductions, was able to accommodate Miami-Dade's Housing Agency in the 1st tower of the OTV. She noted she could provide that information as well.

In response to Commissioner Diaz' questions regarding who authorized the police department to occupy space in the Lightspeed Building, and what size, in square footage, was the warehouse attached to the back of this building, Ms. Norris noted the County Manager approved the move, and the approximate size was 70,000 square feet.

Commissioner Diaz expressed concern with plans that were previously discussed and approved on the record, being changed later. He noted the Board discussed the Commissioners having a satellite office in the Lightspeed Building to address needs in the event of major hurricanes or catastrophes, and this arrangement was approved by the County Manager.

Chairman Gimenez noted the Commission approved many things in previous years, but now faced a different economy. He said he felt the County needed to re-evaluate its objectives to ensure it was moving in the right direction.

Commissioner Martinez pointed out the Board approved adding two floors to the proposed Children's Courthouse to accommodate the State Attorney's Office and the Guardian Ad Litem program, which were not included in the original proposal. He asked what the cost of constructing that addition was.

Ms. Norris noted she could not recall the cost, but the price of construction had dropped

dramatically since that addition was approved.

Hearing no further comments or questions, the Committee proceeded to vote on a motion to defer the foregoing resolution.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

101422 Resolution

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE MAY 11, 2010 GOVERNMENT OPERATIONS COMMITTEE MEETING (Clerk of the Board)

*Approved
Mover: Seijas
Seconded: Martinez
Vote: 5-0
Absent: Sosa*

7 REPORTS

7A

101173 Report

DEPARTMENTAL BUDGET PRESENTATIONS (County Manager)

Deferred to next committee meeting

Report: *Chairman Gimenez advised Committee members and members of the Administration, particularly those departmental directors under the jurisdiction of this Committee that full departmental budget presentations would be heard at the next (July 2010) Committee meeting. Chairman Gimenez asked Assistant to the County Manager Howard Piper to provide Committee members with a report on the status of all unsolicited proposals under this Committee's purview.*

The foregoing report was deferred to the July 13th Government Operations Committee meeting at 9:30 a.m.

7B

101451 Report

REPORT ON HIGH WATER BILL INVESTIGATION:
MICHAEL ROSENBERG [SEE AGENDA ITEM NO. 2D]

Not presented

Report: *(See Agenda Item 2D, Legislative File No. 100516
for the report.)*

8 ADJOURNMENT

Report: *There being no further business to come before the
Government Operations Committee, the meeting
was adjourned at 11:48 a.m.*