MEMORANDUM
Harvey Ruvin
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BPS
Agenda Item No. 6A

TO: Honorable Chairwoman Katy Sorenson and Members, Budget, Planning & Sustainability 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 Budget, Planning & Sustainability Committee:

June 8, 2010

DC/sr
Attachment

Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF

Meeting Minutes

Budget, Planning and Sustainability Committee

Katy Sorenson (8) Chair; Joe A. Martinez (11) Vice Chair; Commissioners Audrey M. Edmonson (3), Carlos A. Gimenez (7), Sally A. Heyman (4), and Barbara J. Jordan (1)

Tuesday, June 8, 2010 | **2:00 PM** | **Commission Chambers**

Members Present: Audrey M. Edmonson, Carlos A. Gimenez, Barbara J. Jordan, Joe A. Martinez, Katy Sorenson.

Members Absent: Sally A. Heyman.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

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; Special Assistant to the County Manager Jennifer Glazer-Moon; Assistant County Attorneys Jess McCarty and Gerald Heffernan; and Deputy Clerks Doris Dickens and Scott Rappleye.*

Assistant County Attorney Jess McCarty noted that in addition to the changes requested in the County Manager's memorandum entitled "Requested Changes to the Budget, Planning and Sustainability Committee Agenda," no additional changes had been requested.

It was moved by Commissioner Edmonson that today's agenda be approved, along with the changes listed in the County Manger's memorandum. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 4-0 (Commissioners Jordan and Heyman were absent).

1D OPENING REMARKS FROM CHAIR SORENSON

1E DISCUSSION MATTER(S)

1F PUBLIC HEARING(S)

1F1

101011 **Ordinance** **Carlos A. Gimenez, Dorrin D. Rolle**

ORDINANCE AMENDING SECTION 2-481 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO THE COMMISSION AUDITOR'S ACCESS TO INFORMATION; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 4-0
Absent: Jordan, Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairwomen Sorenson opened the public hearing on this proposed ordinance. She closed the public hearing after no one appeared wishing to speak.

Hearing no other questions or comments, the Committee proceeded to vote.

1F2

101161 **Ordinance** **Joe A. Martinez**

ORDINANCE AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY TO EXEMPT CERTAIN TRANSACTIONS AND PURCHASES FROM COUNTY VENDOR AFFIDAVIT AND REGISTRATION REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairwomen Sorenson opened the public hearing on this proposed ordinance. She closed the public hearing after no one appeared wishing to speak.

Hearing no other questions or comments, the Committee proceeded to vote.

1F3

101024 **Ordinance** **Rebeca Sosa**

ORDINANCE RELATING TO CONTRACTOR RESPONSIBILITY, ADMINISTRATIVE SUSPENSION AND DEBARMENT OF CONTRACTORS FROM COUNTY WORK; ESTABLISHING CRITERIA TO DETERMINE CONTRACTOR RESPONSIBILITY; CREATING PROCEDURE FOR ADMINISTRATIVE SUSPENSION NOT TO EXCEED ONE YEAR FOR NON-RESPONSIBLE CONTRACTORS AND AMENDING PROCEDURE FOR DEBARMENT OF CONTRACTORS; CREATING SECTION 2-8.4.2 AND DELETING SECTION 10-38 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairwomen Sorenson opened the public hearing on this proposed ordinance. She closed the public hearing after no one appeared wishing to speak.

Commissioner Edmonson suggested this proposed ordinance be amended on handwritten page 9 to include County contracts as well as non-County contracts.

Mr. Amos Roundtree, Procurement Competition Advocate, Department of Procurement Management, pointed out that the criteria listed on handwritten page 9 for determining contractor responsibility in non-County contracts were addressed on handwritten page 10 in numbers 3(iv) and 3(v) for County contracts.

Commissioner Jordan requested the Committee hold a workshop to discuss this proposed ordinance. She explained that the Committee needed a comprehensive understanding of this proposal and its ramifications. She questioned whether contractors could submit bids for County contracts during the 30-day timeframe that the Mayor had to review and determine whether to suspend the contractor after the hearing examiner filed its recommendations.

Ms. Miriam Singer, Director, Department of Procurement Management, clarified that the process for determining contractor responsibility was different than the process for determining suspension, which was for contractors that were already doing work for the County. She explained

that the 30-day timeframe was for the contractor to appeal the Administrative Suspension, and that the suspension would not take place during the 30-day appeal process.

Responding to Commissioner Jordan's inquiries regarding whether a contractor would be able to submit bids on other County contracts while suspended, Ms. Singer noted that a contractor could submit a bid on a County contract during the 30-day appeal timeframe, and could submit a bid on another County contract while under suspension, if the nature of the suspension was specific to a single contract and not to an existing contract and future work. She noted a contractor could submit a bid for the latter, but it would not be considered while the contractor was under suspension.

Commissioner Jordan questioned the cost of the hearing for the administrative suspension.

Ms. Singer noted the cost would be similar to the cost for hiring a hearing officer in a bid protest hearing, and would be assumed by the County department.

In response to Commissioner Jordan's question regarding whether the extension of the determination period to 30 days included time for the County Manager to review the findings of the hearing examiner, Ms. Singer agreed to provide Commissioner Jordan with an explanation as to whether the extended determination period included the time for the County Manager to review the findings of the Hearing Examiner.

Following a discussion between Commissioner Jordan and Ms. Singer regarding the length of time contract violations stay on a contractor's record, and the administering of performance evaluations, Commissioner Jordan requested clarification regarding how the County would determine that a violation was severe enough to merit debarment as opposed to suspension.

Ms. Singer explained that performance, arrest as a result of fraud, and failure to provide services were violations that could result in suspension or debarment depending on the performance required in the contract. Ms. Singer pointed out that the County would not consider performance if all proposers could not be evaluated consistently. She noted that the County used references to determine contractor responsibility.

In response to Commissioner Jordan's concern that a contractor alleged to have committed a criminal activity could be suspended from working on County contracts, Ms. Singer noted the County would consider allegations against a contractor; however, those allegations would not result in an automatic suspension.

Commissioner Jordan questioned how the County would reconcile a good performance evaluation on a contractor by one County department with a bad performance evaluation for the same contractor by another County department.

Ms. Singer explained that the County would bring in the two contract managers to discuss the specifics of the two contracts and determine the differences. She noted the discussion would analyze the scope of service in the contracts to help identify a nexus between the different performance evaluations.

Commissioner Jordan expressed concern that this proposed ordinance would eliminate several small business firms from working on County contracts. She questioned whether this proposed ordinance would allow a firm to do work for the County if an ex-convict who had served his or her prison sentence was associated with the firm.

Ms. Singer noted this proposed ordinance would establish standards and guidelines for suspension and debarment, which the County currently lacked. She noted she could not answer the question regarding an ex-convict being associated with a firm, without a legal opinion concerning this issue. She pointed out that this proposed ordinance would communicate to vendors the County's rules regarding responsibility, suspension, and debarment.

It was moved by Commissioner Jordan that this proposed ordinance be deferred to the next committee meeting.

The foregoing motion died for lack of a second.

Chairwoman Sorenson asked the Procurement Management Department Director to meet with all committee members to answer questions and address concerns before this proposed ordinance came before the County Commission.

Hearing no other questions or comments, the

Committee proceeded to vote.

Commissioner Jordan encouraged all small businesses to review this ordinance. She noted she viewed this ordinance as a threat to all small businesses and that it would eliminate the small business program.

2 COUNTY COMMISSION

2A

101409 **Resolution** **Barbara J. Jordan**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE APRIL 23, 2010 "RELAY FOR LIFE OF NORTHWEST DADE" SPONSORED BY AMERICAN CANCER SOCIETY, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $2,500.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 1 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

2B

101406 **Resolution** **Joe A. Martinez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE APRIL 24, 2010 "MARCH FOR BABIES" SPONSORED BY THE MARCH OF DIMES FOUNDATION, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $2,000.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 11 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

2C

101407 **Resolution** **Joe A. Martinez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE APRIL 18, 2010 "WALK THE TALK" EVENT SPONSORED BY EPILEPSY FOUNDATION OF FLORIDA, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $1,515.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 11 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

2D

101410 **Resolution** **Joe A. Martinez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE ELECTIONS DEPARTMENT FOR THE APRIL 10, 2010 "RELAY FOR LIFE OF LAKES OF THE MEADOW" SPONSORED BY AMERICAN CANCER SOCIETY, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $370.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 11 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

2E

101408 **Resolution** **Dorrin D. Rolle**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE APRIL 4, 2010 "EASTER ON BROADWAY" SPONSORED BY INNER CITY COMMUNITY DEVELOPMENT CORP., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $650.00 TO BE FUNDED FROM THE UNSPENT BALANCE OF THE DISTRICT 2 FY 2008-09 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

3 DEPARTMENTS

3A

101261 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COUNTY AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR CONTINUED PROVISION OF COOPERATIVE MANAGEMENT OF THE SOUTH DADE WETLANDS AND BISCAYNE COASTAL WETLANDS (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

3B

100903 **Resolution**

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (WEXFORD/UNIVERSITY OF MIAMI LIFE SCIENCE AND TECHNOLOGY PARK PROJECT), IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $60,000,000, TO FINANCE PART OF THE COSTS OF THE INITIAL RESEARCH AND DEVELOPMENT BUILDING (THE "PROJECT") IN THE "UNIVERSITY OF MIAMI LIFE SCIENCE AND TECHNOLOGY PARK", FOR THE BENEFIT OF WEXFORD MIAMI, LLC (THE "BORROWER"); AUTHORIZING AN ALLOCATION OF NOT EXCEEDING $60,000,000 FROM THE COUNTY'S SUBALLOCATION OF THE NATIONAL VOLUME CAP FOR "RECOVERY ZONE FACILITY BONDS" TO THE BORROWER FOR THE PROJECT, PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT (SEE AGENDA ITEM NO. 12B1) (Industrial Development Authority)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Jordan
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Chairwomen Sorenson opened the public hearing for persons wishing to speak in connection with this ordinance, and the following person appeared before the Committee:

Mr. Jordan Thomas, Student, University of Miami (UM), expressed concern that Wexford Equities, LLC and the University of Miami did not follow the Committee's request to meet with the community. He noted the Overtown Alliance e-mailed Chairwoman Sorenson and Commissioner Edmonson their terms of engagement, outlining a process for Wexford Equities, the UM and the community to have formal discourse on this issue. He requested the Committee amend this proposed resolution to require Wexford Equities, LLC and the UM to follow the Overtown Alliance's terms of engagement.

Chairwoman Sorenson closed the public hearing after no other persons appeared wishing to speak.

Commissioner Edmonson noted she was satisfied that the UM officials made an appearance in Overtown to discuss this proposed resolution with the community; however, the community acted inappropriately and the UM representatives were unable to address the community.

Chairwoman Sorenson explained that she noticed enough common ground existed between the University of Miami and the Overtown Alliance's terms of engagement for the two entities to resolve their differences. She pointed out that the intent of this proposed resolution was for the Board to approve the issuance of Industrial Development Revenue Bonds for Wexford Equities, LLC.

Hearing no other questions or comments, the Committee proceeded to vote.

3C

101091 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $217,260,000 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, SERIES 2010, IN ONE OR MORE SERIES, PURSUANT TO SECTIONS 201 AND 208 OF ORDINANCE NO. 05-48 AND ORDINANCE NO. 09-65, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS; PROVIDING CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS; APPROVING FORMS OF AND AUTHORIZING EXECUTION OF CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY (Finance Department)

Withdrawn

Report: *See Report Under Agenda Item 3C Substitute, Legislative File No. 101425.*

3C SUBSTITUTE

101425 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $217,260,000 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, SERIES 2010, IN ONE OR MORE SERIES, PURSUANT TO SECTIONS 201 AND 208 OF ORDINANCE NO. 05-48 AND ORDINANCE NO. 09-65, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS; PROVIDING CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS; APPROVING FORMS OF AND AUTHORIZING EXECUTION OF CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY [SEE ORIGINAL ITEM UNDER FILE NO. 101091] (Finance Department)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Sorenson
Vote: 3-2
No: Gimenez, Martinez
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Gimenez noted he would not support this proposal. He pointed out that handwritten page 2 indicated $24.5 million would be used for capitalized interest, and that the capitalized interest was necessary because Miami-Dade Transit (MDT) could not afford to make the debt service payments for these bonds. Commissioner Gimenez expressed concern that the MDT Pro Forma indicated large increases in revenue streams and debt services immediately following fiscal year 2013.

Special Assistant to the County Manager Jennifer Glazer-Moon explained that the memorandum dated April 9, 2010, regarding the MDT Pro Forma explained that the County would need to increase the maintenance of effort and potentially add $0.02 to the local option gas tax in order to continue the program in the Pro Forma. She noted that the County Administration had been sending the message that MDT needed additional resources for several years.

Commissioner Gimenez questioned what portion of the projected $171 million for debt service in 2020 would be from further issuances of debt.

Special Assistant Glazer-Moon explained that in addition to the debt service for the Miami Intermodal Center (MIC)-Earlington Heights Connector project, MDT would need to issue debt for future equipment purchases and for rail car and bus replacement.

Responding to Commissioner Gimenez's inquiry regarding the use of People's Transportation Plan (PTP) funds as opposed to the $24.5 million for capitalized interest to cover the debt in the first few years, Special Assistant Glazer-Moon noted MDT had to issue the debt to have the cash available to proceed with the capital project.

Commissioner Gimenez questioned how MDT would pay for these bonds in 2013 after the capitalized interest had been used.

Special Assistant Glazer-Moon noted MDT would have some built-in carryover funds from the PTP to make the payments, however, increased funding from the general fund would be necessary.

Commissioner Gimenez expressed concern that the fiscal year after Mayor Carlos Alvarez left office (FY 2013-2014) was the year that MDT would need an additional $50 million from the general fund. He questioned how the County would identify the $50 million.

Special Assistant Glazer-Moon noted the County Administration had calculated what the millage adjustment would have be to if the $50 million came solely from ad valorum revenues that year.

Commissioner Martinez noted he would not support this proposed resolution. He noted this proposed resolution would increase the MDT's existing debt service from a level that was very little in 2016 to tremendously high.

In response to Commissioner Martinez's request for clarification regarding the required increase to the maintenance of effort, Special Assistant Glazer-Moon clarified that the PTP ordinance required a 3.5% annual increase to the maintenance of effort.

Commissioner Martinez questioned why the cost for Metrobus operations would increase from $220 million in 2011 to $300 million in 2020.

Mr. Harpal Kapoor, Director, MDT, explained that employee salaries were 70 percent of the

Metrobus budget.

Responding to Chairwoman Sorenson's inquiry regarding the number of buses in operation in 2020, Mr. Kapoor noted the $300 million operating expenses in 2020 assumed the same number of buses as today.

Hearing no other questions or comments, the Committee proceeded to vote.

3D

101094 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $107,000,000 CAPITAL ASSET ACQUISITION SPECIAL OBLIGATION BONDS, SERIES 2010, IN ONE OR MORE SERIES, TO BE PAYABLE SOLELY FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES THAT COUNTY COVENANTS TO BUDGET AND APPROPRIATE ANNUALLY; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS, TO FINALIZE TERMS AND DETAILS OF BONDS; PROVIDING CERTAIN COVENANTS AND OTHER REQUIREMENTS; FINDING NECESSITY FOR NEGOTIATED SALE; APPROVING FORM AND AUTHORIZING EXECUTION AND DELIVERY OF RELATED AGREEMENTS, WITHIN CERTAIN PARAMETERS, INCLUDING DISTRIBUTION AND USE OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS; AUTHORIZING SELECTION OF THE REGISTRAR AND PAYING AGENT; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE, AND DELIVERY OF BONDS; AND PROVIDING FOR SEVERABILITY (Finance Department)

Withdrawn

Report: *See Report Under Agenda Item 3D Substitute, Legislative File No. 101424.*

3D SUBSTITUTE

101424 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $107,000,000 CAPITAL ASSET ACQUISITION SPECIAL OBLIGATION BONDS, SERIES 2010, IN ONE OR MORE SERIES, TO BE PAYABLE SOLELY FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES THAT COUNTY COVENANTS TO BUDGET AND APPROPRIATE ANNUALLY; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS, TO FINALIZE TERMS AND DETAILS OF BONDS; PROVIDING CERTAIN COVENANTS AND OTHER REQUIREMENTS; FINDING NECESSITY FOR NEGOTIATED SALE; APPROVING FORM AND AUTHORIZING EXECUTION AND DELIVERY OF RELATED AGREEMENTS, WITHIN CERTAIN PARAMETERS, INCLUDING DISTRIBUTION AND USE OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS; AUTHORIZING SELECTION OF THE REGISTRAR AND PAYING AGENT; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE, AND DELIVERY OF BONDS; AND PROVIDING FOR SEVERABILITY [SEE ORIGINAL ITEM UNDER FILE NO. 101094] (Finance Department)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Sorenson
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Gimenez questioned how these bonds would be supported in five years when the causeway revenues would be unable to support them.

Special Assistant to the County Manager Howard Piper explained that the County may need to increase the toll rates after five years to support these bonds.

Commissioner Gimenez asked Special Assistant Howard Piper to provide him with the amount of the anticipated adjustments in tolls on the Rickenbacker and Venetian causeways if the revenue was insufficient to support this bond after the next five years.

Commissioner Gimenez noted that the County intended to use a rebate from the United States Treasury Department to pay off the Build America Bonds.

Mr. Carter Hammer, Director, Finance Department, expressed concern that the Federal

government could withhold the Build America Bonds subsidy if the County had other financial obligations with the Federal government.

Commissioner Gimenez questioned whether the United States Congress could amend the provisions of the Build America Bonds program to stop providing the subsidy before the term of the bond expired.

Mr. Hammer noted the subsidy would be for the life of the bond.

In response to Commissioner Martinez's inquiry whether the $93.9 million would cover all the projects in this proposed resolution, Mr. Hammer noted the County had vetted out the costs for all the projects and $93.9 million would cover all projects.

Assistant County Attorney Gerald Heffernan requested Mr. Hammer clarify his response regarding the United States Congress amending the Build America Bonds program to stop providing the subsidy.

Mr. Hammer clarified that he could not guarantee that the Federal government would not make changes to the Build America Bonds program in the future; however, the program was established to provide the federal subsidy for the duration of the bonds.

Assistant County Attorney Heffernan concurred that no one from the County could guarantee that the Federal government would not change the Build America Bond program to affect the subsidy in the future. He advised that the Federal government was committing to provide the subsidy based on the current law.

Commissioner Gimenez asked Assistant County Attorney Heffernan to provide him with a report, before this proposed resolution came before the County Commission, clarifying the potential for a future Congress to change the terms of the Build America Bond program and/or to remove the interest subsidy during the life of these bonds.

Commissioner Gimenez asked the Finance Department Director to provide him with a report on the amount of the subsidy that the County would receive and on how the County would pay for these bonds if the Federal government removed the subsidy.

Hearing no other questions or comments, the Committee proceeded to vote.

3E

101426 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT IN THE AMOUNT OF $125,000 WITH AON RISK SERVICES, INC. OF FLORIDA TO OBTAIN BROKER AND RELATED SERVICES TO ASSIST THE COUNTY IN OBTAINING AN AIRPORT LIABILITY INSURANCE PROGRAM FOR THE FIVE AIRPORTS OWNED AND OPERATED BY MIAMI-DADE COUNTY, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFP713 (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Ms. Miriam Singer, Director, Procurement Management Department, noted that a scrivener's error existed on handwritten page 2 and should be corrected to indicate that the vendor was a non-local vendor. She pointed out that the selection committee did not apply local preference to this vendor.

Hearing no other questions or comments, the Committee proceeded to vote.

3F

101283 **Resolution**

RESOLUTION AUTHORIZING THE REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO EPP-RFP NO. 625 FOR CONSULTING SERVICES FOR THE COUNTY'S ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Martinez pointed out that this proposed resolution would hire individuals to ensure that County employees performed their job tasks.

Hearing no other questions or comments, the Committee proceeded to vote.

3F SUPPLEMENT

101458 **Supplement**

SUPPLEMENT TO REJECTION RECOMMENDATION FOR EPP- RFP NO. 625, CONSULTING SERVICES FOR THE COUNTY'S ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

Presented

3G

101287 **Resolution**

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS AND CONTRACT MODIFICATIONS, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Heyman

3G SUPPLEMENT

101450 **Supplement**

SUPPLEMENTAL INFORMATION RE: RECOMMENDATION FOR APPROVAL TO AWARD: NO. 9223-0/15, CREMATION AND/OR INTERMENT SERVICES

Presented

3H

101302 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT IN THE AMOUNT OF $1,634,000 WITH LAW ENFORCEMENT PSYCHOLOGICAL AND COUNSELING ASSOCIATES, INC., TO OBTAIN PSYCHOLOGICAL TESTING SERVICES, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFP700 (Procurement Management Department)

Forwarded to BCC without a recommendation
Mover: Jordan
Seconder: Edmonson
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Commissioner Gimenez asked the Procurement Management Department Director to provide him with a report before this proposed resolution came before the County Commission explaining whether a unit cost was associated with this contract and explaining whether the contract price increased or decreased.

Commissioner Martinez asked Assistant County Manager Alina Hudak to provide him with a report reflecting the number of applicants rejected based on their psychological test and the number of those rejected who reapplied and were retested.

Commissioner Martinez asked the Procurement Management Department Director to meet with him before this proposed resolution came before the County Commission to address his concerns regarding a County department director's involvement with the company that performed the tests.

Chairwoman Sorenson asked the Procurement Management Department Director to meet with all committee members to brief them on this proposed resolution before it came before the County Commission.

Hearing no other questions or comments, the Committee forwarded the foregoing proposed resolution to the County Commission, without a recommendation.

3I

101308 **Resolution**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department)

Withdrawn

Report: *See Agenda Item 3I Substitute, Legislative File No. 101492.*

3I SUBSTITUTE

101492 **Resolution**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER [SEE ORIGINAL ITEM UNDER FILE NO. 101308] (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 5-0
Absent: Heyman

4 COUNTY MANAGER

4A

101245 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE UNITED STATES FOR THE FARM AND RANCH LANDS PROTECTION PROGRAM TO PROVIDE MATCHING FUNDS IN AN AMOUNT UP TO $2,904,000.00 FOR THE MIAMI-DADE COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM WHICH IS FUNDED THROUGH THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM (County Manager)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sorenson
Vote: 5-0
Absent: Heyman

4B

101368 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO CONDUCT COUNTY BUSINESS DURING THE BOARD OF COUNTY COMMISSIONERS' 2010 SUMMER RECESS; THE AUTHORIZING PERIOD WILL BEGIN AT THE ADJOURNMENT OF THE JULY 20, 2010 BOARD OF COUNTY COMMISSIONERS' MEETING AND CONCLUDE AUGUST 27, 2010; AND SUBSEQUENTLY ALL ITEMS WILL BE SUBMITTED TO THE BOARD FOR RATIFICATION AT THE OCTOBER 5, 2010 BOARD OF COUNTY COMMISSIONERS' MEETING (County Manager)

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Sorenson
Vote: 5-0
Absent: Heyman

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

In response to Commissioner Gimenez's inquiry regarding the language in this proposed resolution being the same as Resolution No. R-900-09, Assistant County Attorney McCarty advised that the language in this proposed resolution was the same.

Commissioner Martinez asked Assistant County Attorney Jess McCarty to provide him with a report clarifying whether the scope of this proposed resolution included emergency actions regarding the Public Health Trust management watch.

Hearing no other questions or comments, the Committee proceeded to vote.

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

101376 **Report**

CLERK'S SUMMARY OF MINUTES FOR THE MAY 11, 2010 - BUDGET, PLANNING AND SUSTAINABILITY COMMITTEE MEETING AND THE AUGUST 24, 2009 BUDGET CONFERENCE (Clerk of the Board)

Approved
Mover: Jordan
Seconder: Gimenez
Vote: 5-0
Absent: Heyman

7 REPORTS

7A

101444 **Report**

INFORMATION TO THE RESOLUTION APPROVING THE ISSUANCE OF RECOVERY ZONE PRIVATE FACILITY BONDS TO WEXFORD EQUITIES, LLC.(SEE AGENDA ITEM NO. 10A2) (County Manager)

Report Received
Mover: Edmonson
Seconder: Jordan
Vote: 5-0
Absent: Heyman

Report: *See Report Under Agenda Item 3B, Legislative File No. 100903.*

7B

101445 **Report**

DEPARTMENTAL BUDGET PRESENTATIONS (County Manager)

Report Received
Mover: Edmonson
Seconder: Sorenson
Vote: 5-0
Absent: Heyman

8 ADJOURNMENT